



An
Bord
Pleanála

Inspector's Report

ABP-319621-24

Development

The demolition of the existing single storey dwelling and the construction of a new neighbourhood centre and residential development. The development consists of 80 no. residential apartment units and associated residential amenity space, a supermarket and associated off licence, a restaurant / bar and associated winter garden, 2 no. retail units, an ATM area, a health centre and a café. Further information amended to include a creche.

Location

Crohamhurst, Sandyford Road, Dublin 18, D18 W9Y5

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D23A/0456

Applicant(s)

Blathas Property Limited.

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal	First & Third Party
Appellant(s)	Blathas Property Limited. Sean and Olga Maguire. Kevin Cullen.
Observer(s)	Denis & Marion McCarthy.
Date of Site Inspection	10 th March 2025.
Inspector	Jennifer McQuaid

Contents

1.0 Site Location and Description	5
2.0 Proposed Development	5
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	10
3.4. Third Party Observations	10
4.0 Planning History.....	12
5.0 Policy Context.....	18
5.1. Development Plan.....	18
5.2. National Policy	20
5.3. Natural Heritage Designations	20
5.5. EIA Screening	21
6.0 The Appeal	22
6.1. Grounds of Appeal	22
6.2. Applicant Response	25
6.3. Planning Authority Response.....	29
6.4. Observations.....	29
6.5. Further Responses	30
7.0 Assessment.....	30
8.0 AA Screening.....	50
9.0 Recommendation.....	51
10.0 Reasons and Considerations.....	51

11.0 Conditions 52

12.0 Form 3 - EIA Screening Determination Sample Form **Error! Bookmark not defined.**

Appendix 1 – Form 1: EIA Pre-Screening & EIA Screening Determination.

Appendix 2 – AA Screening Determination

1.0 Site Location and Description

- 1.1. The subject site (0.77ha) is located at Lambs Cross, to the north-west of the junction of Blackglen Road, Sandyford Road, Hillcrest Road and Enniskerry Road. The site is located at the foothills of the Dublin and Wicklow Mountains and is c. 1km from the M50 junction 14 and c. 1.5km to the Green Luas Line Glencairn stop, to the northeast.
- 1.2. The site comprises of an existing dwelling (Crohamhurst) and its curtilage to the north, while the remaining lands at the southern portion comprise of a largely greenfield site.
- 1.3. To the north, there is a residential development under construction (Whinsfield). To the west is an adjoining bungalow (Bramblewood) and an open field. To the south is residential and retail at the Lambs Cross neighbourhood centre.
- 1.4. The subject site is located 110m to the southeast of Fitzsimons Wood pNHA (site code: 001753).

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - Demolition of the existing single storey dwelling and all associated features.
 - Construction of a new Neighbourhood Centre (supermarket with associated off licence, a restaurant/bar and associated winter garden, 2 no. retail units (a pharmacy and a beauty hair salon), an ATM, health centre and café)) and residential development (80 units) in 3 no. blocks A, B and C ranging from 3-6 storeys in height over part 1 and 2 storey basement level.
 - Block A: 31 no. residential units – 15 no. 1 bed, 15 no. 2 bed and 1 no. 3 bed. Supermarket and associated off licence, restaurant/bar with associated winter garden area, pharmacy, beauty/hair salon, ATM.
 - Block B: 26 no. residential units – 4 no. 1 bed, 14 no. 2 bed and 8 no. 3 bed. Health centre, greenhouse/conservatory.
 - Block C: 23 no. apartments – 3 no. 1 bed, 12 no. 2 bed and 8 no. 3 bed. Café, greenhouse/conservatory.

- Basement level: 215 car parking spaces, 154 no. bicycle spaces, 18 no. motorcycle spaces, loading area, ESB substation, 4 no. refuse storage areas, recycling area, signage.
- New entrance via Sandyford Road for deliveries/servicing and separate car park
- New cyclist/pedestrian link via Blackglen Road
- 132no. bicycle parking at surface level
- 1 no. bus stop and associated canopy
- Pump kiosk
- Solar panels at roof level
- Open Space
- All associated site works.

Changes to the development following further information request:

- Creche facility on level 1 of Block C (c. 30 childcare spaces)
- Relocation of 2 no. 2 bed apartments from Block C to Level -1 Block B
- Additional signage on the west and east elevations
- 2 no. kiosk style units and addition of a barbers.
- Provision of external storage
- Realignment of proposed cycle way to enlarge the landscape buffer between the subject site and the neighbouring property.
- Revisions to 4 no. apartments
- Addition of “changing places” toilet facilities.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 22 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The subject site consists of two zonings: “A” – which seeks “to provide residential development and improve residential amenity while protecting the existing residential amenities” and “NC” which seeks “to protect, provide for and/or improve mixed-use neighbourhood centre facilities”. Residential use is “permitted in principle” on A and NC zoning, retail and service uses are “permitted in principle” on lands zoned as “NC”. The proposal is acceptable in principle provided the site is compatible with the overall policies and objectives for the zoning and does not have an undesirable effect on the area.
- The overall layout, design and height of the proposal is considered acceptable.
- Further information was requested in relation to potential overlooking at the adjacent dwelling (known as Bramblewood) located c. 12 metre from the proposed development, relationship between Block A and Block C, construction noise levels, active street frontage along Sandyford Road, provision of creche/childcare facilities, public open space, landscaping, Ecological Impact Assessment, Appropriate Assessment, cycle/pedestrian routes and the provision of the ramp proposed, surface water, construction management methodology, Building Lifecycle Report and Archaeological Impact Assessment.

Further Information (FI) Planning Report

- The further information response was received and as a result of a revised site layout, an active street frontage has been provided and includes 2 no. new kiosk style retail units and a new barber. A new childcare facility is proposed and will replace 2 no. 2 bed apartments which have been relocated to -1 Level, Block B.

In relation to open space, the applicant provided details however, the Planning Authority have not accepted the provision and classification of public open space. A development contribution shall be conditioned as provided in section 28 Contribution Scheme.

3.2.2. Other Technical Reports

- Transportation: No objection subject to conditions following the submission of the further information request which included setback for Sandyford Road Phase 2, cycle parking standards, cycle audit, basement car park construction, fire brigade access, loading bay location and refuse collection
- Drainage: No objection subject to conditions following the submission of further information request which included details of green roof coverage, updated attenuation calculations and emergency access/egress to attenuation tank.
- Parks Department: No objection subject to conditions following the submission of further information request which included landscape specification.
- Environment Enforcement: No objection subject to conditions following the submission of further information request which included waste monitoring, noise assessment, Operational Waste Management Plan and Materials Source and Management Plan.
- Housing: Condition Part V agreement.
- Environmental Health Office: Further information requested in relation to noise, operational management plan.
- Public Lighting: no objection subject to condition.
- Biodiversity: No objection subject to conditions following the submission of further information request which included detailed assessment of the potential for recreational impacts on Fitzsimons Wood pNHA and Gorse Hill, provision of Wildlife Buffer Zone/Corridor and Landscape Design and Rational and associated plans including Biodiversity enhancement measures. The condition included the wildlife corridor comprising a width of at least 5 metres shall be developed in consultation with Biodiversity Officer.

3.2.3. Conditions

- Condition 2: Prior to commencement of development, the Applicant is required to provide architectural and landscaping plans for an alternative location for the open space associated with the creche/childcare facility that is more readily accessible to the staff and children at the facility. The availability of communal open space adjacent to the creche/childcare facility is noted, and it is considered that a portion of this may be reallocated, with the proposed creche open space at roof level reallocated for residents of the development.

Reason: In the interest of proper planning and sustainable development.

- Condition 4(a): Prior to commencement, the Applicant shall submit revised drawings and details which demonstrate the proposed provision of all cycle parking across the entire development to be agreed with the local authority. The provision of covered surface level Cycle Parking shall be demonstrated, and the proposed layout shall be in accordance with the requirements outlined in DLRCC's "Standards for Cycle Parking and associated Cycling Facilities for New Developments – January 2018".
- Condition 7: Prior to the commencement of any excavation or rock breaking activities a detailed plan shall be submitted and approved by the Planning Authority. The plan shall include the selected methodology for rock breaking and how the selected method will best reduce environmental impacts including restricting the hours of breaking, setting specific noise limits that if breached will trigger a review of methodology and proposed methods for keeping affected residents informed as works progress.

Reason: In the interest of public health and in order to safeguard the amenities of property in the vicinity.

- Condition 12: (o) A revised Landscape and Green Roof design shall be submitted at least 5 weeks prior to commencement for written agreement from the Planning Authority which will examine the option to use local soil from the site where feasible, to provide the basis for the green biodiversity roof areas which were planned for planting of wildflower seed and to instead use a local native seed source.

(p) Given the proximity of the hardstanding shown on the landscape design drawings to the proposed wildlife corridor, the likely required maintenance of any adjacent vegetation and also the lighting associated with the development, it is considered that the applicant has not demonstrated the feasibility of the design for the wildlife corridor as a biodiversity refuge. Therefore, a wildlife corridor comprising a width of at least 4.5 metres and based on more detailed design including any lighting in proximity to it, will be developed in consultation with DLR Biodiversity Officer and will be submitted at least 5 weeks prior to the commencement of the proposed development for agreement with the Planning Authority.

Reason: To ensure an adequate protection of biodiversity and to undertake any remedies if required. To mitigate the loss of bird habitat and to ensure that the appropriate advice and support obtained in relation to birds, to assist the success of the nest boxes.

3.3. Prescribed Bodies

- Uisce Eireann: No objection
- Transport Infrastructure Ireland: No observations.
- Department of Housing, Local Government and Heritage: Further information requested for Archaeological Impact Assessment. No further response received from the department.
- Development Applications Unit: Further information requested for: amended AA Screening Report, evaluation of hydrogeological Assessment and conditioned that removal of vegetation only from 1st September to end of February. No further response received.

3.4. Third Party Observations

22 no. submissions/observations were received at the initial application stage and a further 7 no. submissions were received at further information stage. The following concerns were raised:

- Lambs Cross is rural not urban. Sandyford is recognised as a Rural Village.

- Development is too high, too dense, inappropriate and out of character for the area and too close to Bramblewood dwelling and cause overshadowing. No need for retail elements, houses should be mixed houses.
- Visual impact on Dublin Mountains and visuals are misleading.
- Timber boundary fence to west should be continuous.
- Increased traffic, public transport is limited. Parking ratio is too high. Bike facilities at level -2 is not positive. Bicycle repair station should be provided. E-bike charging facilities should be provided for residential and general public use.
- Blackglan Road is safer for vehicular entrance.
- Insufficient number of loading bays provided.
- Absence of set down facility and surface car parking.
- Negative impact on wildlife including smooth newt & Fitzsimons Wood.
- Concerns regarding excavation and drawdown of water.
- Site lies in Barnacullia Landscape Character Area (LCA).
- If permission is granted, the recommendations of the Ecological Impact Assessment should be included as planning conditions.
- EIAR Screening Report is fundamentally flawed.
- Development will contribute to catastrophic environmental and social impacts in the long term.
- Transparency required regarding discussions between the applicant and local authorities.
- Large Scale Residential Developments (LRD) preplanning consultations must be included in the Council's weekly planning lists.
- Some planning application documents are partially redacted.
- Reason for refusal in the Strategic Housing Developments (SHD) haven't been addressed.
- Support for provision of supermarket.

- Creche should be provided as part of the development.
- Not enough school places
- Concerns in relation to noise, dust and air pollution.
- Part V apartments query with regard to prospective sale to a housing association.
- Construction hours 07.00 – 18.00 Monday to Friday and 07.00 – 14.00 on Saturdays would create huge stress.
- Hydrogeological report reviews issues and queries with regard to the nature of Applicant's response to Item No. 16 of the FI request.

4.0 Planning History

ABP TA06D.309965: Permission refused for demolition of existing dwelling and construction of 143 no. apartments, creche and associated works for the following 3 reasons:

1. The Board is not satisfied that a comprehensive evaluation of the impact of the proposed development including the construction of a basement level and potential dewatering of the ponds in Gorse Hill has been provided. There are concerns that the proposed development would adversely impact on the hydrology and hydrogeology of the four number ponds in the Gorse Hill Area with potential negative consequences for smooth newt. It is also considered that the developer has not adequately demonstrated that the proposed development, which includes a boardwalk through Fitzsimons' Wood (proposed NHA) would be in accordance with the provisions of Policy LHB19: Protection of Natural Heritage and the Environment, and Policy LHB22: Designated Sites of the Green County Strategy in the Dun Laoghaire Rathdown Development Plan 2016-2022 to protect and preserve areas designated as proposed NHAs. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed development by virtue of its scale, bulk and design of the blocks, the poor quality open space provision, undue overshadowing of the adjacent Whinsfield residential development and poor

quality elevational treatments, that the proposed development would result in a substandard form of development that fails to integrate with the surrounding area and would, therefore, be contrary to the provision of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, issued by the Dept. of Environment, Heritage and Local Government in May 2009, and to Policy UD6: Building Height Strategy Policy RES3 Residential Density and Section 8.3.2 Transitional Zonal Areas of the Dun Laoghaire Rathdown Development Plan 2016-2022. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3. It is considered that the proposed development materially contravenes Policy UCD6 Building Height Strategy of the Dun Laoghaire Rathdown Development Plan 2016-2022. The statutory requirements relating to public notices and the submission of a material contravention statement have not been complied with by the developer. Accordingly, the Board is precluded from granting permission in circumstances where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.

D10A/0302: Permission refused for demolition of an existing habitable dwelling house “Croham Hurst” and garage and erection of 13 dwellings.

1. The proposed development fails to provide a high-quality design for this site. The proposed development, by reason of its layout and design, would be visually incongruous at this location and would be out of keeping with the character of the area. The proposed development would be visually obtrusive and would seriously injure the amenities or depreciate the value of property in the vicinity and would therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the substandard current sightlines on the Sandyford Road and the Blackglen Road/Herold’s Grange Road Improvement Scheme has not been implemented to date, the proposed development would be premature due to the existing deficiency in the road network serving the area, it would endanger public safety by reason of a traffic hazard or obstruction of road

users or otherwise and would therefore, be contrary to the proper planning and sustainable development of the area.

ABP: PL06D.229526 (PA Ref: D08A/0325): Permission refused for the demolition of an existing dwelling and erection of 48 residential units.

1. Having regard to the design, scale, bulk, height, density and massing of the proposed development on an elevated site along Sandyford Road, it is considered that the proposed development would represent an inappropriate and incongruous form of development which would be out of character with the pattern of development in the general vicinity of the site, would relate poorly to neighbouring residential property by reason of its proximity to boundaries and design and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The vehicular entrance serving the proposed development is accessed onto the Sandyford Road. It is an objective of the current development plan for the area to upgrade this road as part of the Blackglen Road Improvement Scheme. The existing Sandyford Road is substandard to serve the scale of development proposed. The proposals for the Blackglen Road/Herold's Grange Road Improvement Scheme have not been finalised. The proposed development would, therefore, be premature pending the determination by the road's authority of a road layout for the area. The proposed development would also endanger public safety by reason of traffic hazard or obstruction of road users.
3. Development of the kind proposed on the land would be premature because of an existing deficiency in the provision of foul sewerage facilities upon which it would rely and the period within the constraints involved may reasonably be expected to cease. The proposed development would, therefore, be prejudicial to public health.
4. Having regard to the layout, massing, height and close proximity of the Blocks within the proposed development to one another, it is considered significant levels of overshadowing of the communal open space area and lack of privacy associated with a considerable number of individual units within the scheme would seriously compromise and injure the residential amenities of

the future occupants of the proposed apartments and would, therefore, be contrary to the proper planning and sustainable development of the area.

D06A/0988: Permission granted for dwelling.

ABP PL06D.207769 (PA Ref: D04A/0009): Permission refused for 32 no. residential units and 6 no. retail units.

1. The site of the proposed development is in an area designated with the land use zoning objective “to preserve and provide for open space and recreational amenities” in the 2004-2010 Dun Laoghaire-Rathdown DP. It is considered that the proposed high density residential and commercial development would conflict with the zoning objective and thereby materially contravene the development plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proposed access and parking layout and to the location of the site adjoining the junction of the heavily trafficked regional roads R113 and R117 (Dublin-Enniskerry), it is considered that there would be a serious under provision of on-site car parking, which would give rise to on-street parking in appropriately close to the road junction and, therefore, the proposed development would endanger public safety by reason of traffic hazard.
3. It is considered that the proposed development by reason of its nature, scale and layout constitutes an inappropriate design response at this corner location. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

Adjacent sites:

ABP TA06D.314459: Permission refused for 360 no. apartments, creche and associated site works.

1. Given the sites locational context at the fringe of the outer suburban area at the foothills of the Dublin Mountains, within Landscape Character Area 9: Barnacullia as identified in Appendix 8 Landscape Assessment Study and Landscape/Seascape Character Area and within a Transitional Zone as identified in Section 13.1.2 of the Dun Laoghaire Rathdown CDP 2022-2028 it

is considered that inadequate consideration was given to the design approach and that the proposed height, scale and design and layout of the proposed scheme fails to integrate into or enhance the character of the surrounding area and would not make a positive contribution to place-making. The proposed development would, therefore, be contrary to Policy Objective GIB2 Landscape Character Areas and Policy Objective GIB5 Historic Landscape Character Assessments and to the provisions of Section 13.1.2 Transitional Zonal Areas of the Dun Laoghaire Rathdown CDP 2022-2028. The scheme would also be contrary to the provisions of Section 3.2 of the Urban Development and Building Height Guidelines and the principles of the Urban Design Manual – a Best Practice Guide and would, therefore, be seriously injurious to the visual amenities and character of the area and contrary to the proper planning and sustainable development of the area.

2. Given the unrestricted nature of this outer suburban site the unit mix, in combination with the proportion of north facing single aspect units, is considered unacceptable and contrary to the provisions of Housing Need and Demand Assessment as set out in Appendix 2 and Table 12.1 of the Dun Laoghaire Rathdown CDP 2022-2028. The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.
3. Having regard to the site's location within the Ticknock to River Dodder Wildlife Corridor as outlined in the Dun Laoghaire Rathdown Biodiversity Action Plan 2021-2025 it is considered that the applicant has not adequately demonstrated how the proposed design and layout of the scheme supports or enhances links to the wildlife corridor which connects the Dublin Mountains to Fitzsimons Wood pNHA. The proposed development is therefore contrary to Objective GIB20 to support the provisions of the Biodiversity Action Plan 2021-2025 and to the proper planning and sustainable development of the area.

ABP: TA06D.313321: Permission Granted for demolition of existing structures on site and construction of 101 no. residential units, creche and associated site works.

ABP: TA06D.313443: Permission granted for 137 no. apartments. ABP reduced to 116no. units.

ABP: 302954-18: Permission Granted for demolition of existing dwelling and construction of 67no. apartments

D17A/0077: Permission refused for construction of 29 no. residential units.

1. Given the layout of the proposed development and the proposed removal of the majority of trees on site, it is considered that the proposed development would be detrimental to the amenities of the adjoining environmental sensitive zoned “F” lands, and the proposed NHA Fitzsimons Wood. The proposed development would be contrary to Section 8.3.2 Transitional Zonal Areas of the County Development Plan 2016-2022. It is considered therefore that the proposed development would contravene materially the development objectives indicated in the Development Plan and therefore be contrary to the proper planning and sustainable development of the area.
2. It is considered that the trees and groups of trees on this site form a significant feature in the landscape. It is the policy of the Planning Authority as set out in the CDP 2016-2022 that trees, groups of trees or woodlands, which form a significant feature in the landscape or are important in setting the character or ecology of an area, should be preserved wherever possible. The proposed development includes the removal of the majority of trees from this site which adjoins the proposed NHA Fitzsimons Wood. The proposed development would therefore not be in accordance with the Development Plan Section 8.2.8.6 “Trees and Hedgerow” and Policy OSR7 “Trees and Woodland”. The proposed development is, therefore, contrary to the proper planning and sustainable development of the area.
3. It is considered that the proposed development would result in an inefficient and unsustainable pattern of development on serviced zoned land. The proposed development at a density of twenty-six (26.6) units per hectare, is not considered to be of a sufficiently high density as envisaged by the CDP and Ministerial Guidelines at this location. The proposed development, therefore, contravenes Policy RES3 “Residential Density” of the Dun Laoghaire Rathdown CDP 2016-2022 and Section 5.8 of the Sustainable

Residential Development in Urban Areas Guidelines. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

4. It is the Policy of the Planning Authority as set out in in the CDP 2016-2022 that residential development is provided with adequate public and private open space in the interest of residential amenity. The proposed development is deficient in the quantum, location and quality of public open space. The proposed development would therefore not be in accordance with the Section 8.2.8.2 (i) Residential/Housing Developments and Section 8.2.8.3 of the CDP and would result in a substandard level of residential amenity for future residents and set a poor precedent, and would therefore be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

Dun-Laoghaire Rathdown County Development Plan 2022-2028

The site is zoned as “A”, (northern portion of the site) which seeks to provide residential development and improve residential amenity while protecting the existing residential amenities.

The site is partially zoned as “NC”, (southern portion of the site), which seeks to protect, provide for and/or improve mixed use neighbourhood centre facilities.

Chapter 2 relates to Core Strategy,

Section 2.4.2 relates to DLR Settlement Strategy.

Section 2.6.2.1 relates to Compact Growth and Regeneration

Chapter 3 relates to Climate Action

Chapter 4 relates to Neighbourhood – People, Homes and Place

Policy Objective PHP1, PHP3,

Section 4.3.1.1 relates to policy objective PHP18: Residential Density.

Section 4.3.1.1 Policy Objective PHP18: Residential Density which promotes higher residential densities in the interests of promoting more sustainable development, whilst ensuring a balance between this and ensuring the reasonable protection of residential amenities and established character of areas

Section 4.3.1.2 Policy Objective PHP19: Existing Housing Stock – Adaption, which encourages the densification of existing housing stock to retain population levels.

Section 4.3.2.3 Policy Objective PHP27: Housing Mix which encourages the provision of a wide variety of housing and apartment types.

Section 4.4.1.8 Policy Objective PHP44: Design Statements relate to the building height and overall design.

Chapter 5 relates to Transport and Mobility.

Section 5.4.1 Policy Objective T1: Integration of Land Use and Transport Policies.

Section 5.7.1 Policy Objective T16: Travel Demand Management.

Section 5.7.2 Policy Objective T17: Travel Plans

Section 5.7.3 Policy Objective T18: Car Sharing Schemes

Section 5.8.4 Policy Objective T26: Traffic and Transport Assessment and Road Safety Audits.

Chapter 8 relates to Green Infrastructure and Biodiversity

Chapter 9 relates to Open Space, Parks and Recreation

Chapter 10 relates to Environmental Infrastructure and Flood Risk

Policy objective EI5: River Basin Management Plans (RMBPs):

It is the policy objective:

- To ensure the delivery of the relevant policies and objectives of the River Basin Management Plan for Ireland 2018-2021 and any subsequent plan, including those relating to protection of water status, improvement of water status, prevention of deterioration and meeting objectives for designated protected sites.

- To support Irish Water in its implementation of Water Quality Management Plan for ground, surface, coastal and estuarine waters as part of the implementation of the EU Water Framework Directive.
- To Support Irish Water in the development of Drinking Water Protection Plans.

El8: Groundwater Protection and Appropriate Assessment

It is a Policy Objective to ensure the protection of the groundwater resources in and around the County and associated habitats and species in accordance with the Groundwater Directive 2006/118/EC and the European Communities Environmental Objectives (Groundwater) Regulations, 2010. In this regard, the Council will support the implementation of Irish Water's Water Safety Plans to protect sources of public water supply and their contributing catchment.

Chapter 12 relates to principles of development and contains the urban design policies and principles for development including public realm design, building heights strategy, car and cycle parking and public open space.

Section 12.8.3 relates to Open Space Quantity for Residential Development.

Appendix 5 refers to County's "Building Height Strategy".

5.2. **National Policy**

- National Planning Framework – Project Ireland 2040
- Sustainable Residential Development and Compact Settlement Guidelines 2024. (Compact Guidelines)
- Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2022) (Apartment Guidelines)
- Design Manual for Urban Roads & Streets (DMURS) 2019.
- Urban Development & Building Height Guidelines (2018).

5.3. **Natural Heritage Designations**

5.4. The subject site is not located within a designated area. The most relevant are:

- Fitzsimon's Wood pNHA (site code: 001753) located c. 85m to the northwest.
- Wicklow Mountains SAC (site code: 002122) & SPA (site code: 004040) is located c.4.7km south.
- South Dublin Bay SPA (site code: 000210) is located 5.3km east.
- Knocksink Wood SAC (site code: 000725) is located c. 6.2km southeast.
- Ballyman Glen SAC (site code: 000713) is located 7.6km southeast.
- Glenasamole Valley SAC (site code: 001209) is located 8.8km southeast.
- Rockabill to Dalkey Island SAC (site code: 003000) is located c. 9.3km east.
- North Dublin Bay SAC (site code: 000206) is located c. 10km northeast.
- Bray Head SAC (site code: 000714) is located c. 12km southeast.
- Howth Head SAC (site code: 000202) is located 14.5km northeast.
- Wicklow Mountains SPA (site code: 004040) is located 5km south.
- Dalkey Islands SPA (site code: 004172) is located 9km east.
- South Dublin Bay and River Tolka Estuary SPA (site code: 004024) are located c.5.3km east.
- North Bull Island SPA (site code: 004006) is located 9.5km northeast.
- North West Irish Sea cSPA (site code: 004236) is located 17km northeast.

5.5. EIA Screening

- 5.5.1. The proposal relates to the demolition of the existing single storey dwelling and the construction of a new neighbourhood centre and residential development of 80no. residential apartment units and associated residential amenity space, a supermarket and associated off licence, a restaurant / bar and associated winter garden, 2 no. retail units, an ATM area, a health centre and a café and creche. The site is within the development boundary of Dublin 18. The site is located on zoned lands and not within a designated area. The site is approximately 80 metre from the boundary to Fitzsimons Wood pNHA and adjacent to Gorse Hill, it is noted that adult smooth newt (protected species under the Wildlife Act 1976) are known to hibernate in the woodlands, a survey in 2023 recorded up to 7 ponds within the Gorse Hill area and confirmed newts in some of these ponds. The proposed development has the potential to impact on the environmental sensitivities in the vicinity of the site, therefore, the applicant carried out a Schedule 7A assessment. I have carried out a

preliminary examination and a screening determination, please refer to Form 1, Form 2 and Form 3 as per Appendix 1 below. I have concluded that:

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed neighbourhood centre development of residential and commercial units' development, in an established residential area served by public infrastructure
 - (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of the Ecological Impact Assessment and the Hydrogeological Assessment of the effects on the environment submitted by the applicant.
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the precautionary mitigation measures proposed to avoid significant impact on the species in the adjacent Gorse Hill and Fitzsimon's Wood pNHA.

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal from the 3rd party (local residents) are as follows:

- Procedural Issues: The Planning Authority requested an independent hydrogeologist assessment, but the applicant did not comply with this request. No recorded minutes of a telephone call between the applicant and the

Planning Authority. Objectors only have 2 weeks to respond to further information submitted while the applicant had 7 months to respond.

- Hydrological issues: The Hydrogeological Conceptual Model did not address the existing groundwater quality, and the assessment should be based on all elements of hydrogeological regime including the nature of the aquifer, its permeability and storage, groundwater levels, groundwater flow rates, recharge rates and the existing groundwater quality.
- Site Contamination: The groundwater beneath the Crohamhurst site is polluted, the potential for this polluted groundwater to impact on the nearby newt ponds during the construction of the basement has not been addressed. Nor has the impact of the polluted groundwater beneath the Crohamhurst site on the nearby Carrickmines Stream. The EPA Screening Report (fig 4.7) and the Hydrogeological Assessment (see Fig. 5) describe the groundwater vulnerability at the Crohamhurst site as extremely vulnerable at a minimum.
- Ecology & Smooth Newt Ponds: Potential impact on Smooth Newt Ponds and thereby, contravening DLR County Biodiversity Action Plan 2021-2025.
- Principle of Development: The proposal contravenes zoning objective “A” which states to protect and/or improve residential amenity.
- Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) incorrect, as the site is rural not urban.
- Surface Water: SuDs measures proposed should take into account local environmental factors such as the natural vulnerability of groundwater to contamination. SuDs include the infiltration of surface water into the ground to minimise run-off and so alleviate the risk of flooding.
- Landscape Character Assessment: The impact on Barnacullia Landscape Character Area has not been addressed in the EIA Screening Report and contravenes HLCA: 8.4.1, 8.4.4. Policy Objective GIB2 & GIB5.
- Visual impact of an apartment block on the area given its location at the base of the Dublin Mountains and in relation to the adjacent bungalows. Visuals submitted are misrepresented.

- Utilities: Majority of houses in the area are on individual septic tanks. No TV, Wi-Fi, or basic mobile phone signal.
- Traffic Impact: Hillcrest Road is not suitable for more traffic. Public transport is insufficient.

The grounds of appeal from the 1st party (applicant) are as follows:

- Development Contribution: The Planning Authority have not applied the terms of Dun Laoghaire Rathdown County Council Development Contribution Scheme correctly and condition 16 shall be removed. The contribution was applied for 2 reasons: a shortfall of public open space and the need to provide for public open space in the wider area. A total of €866,250 has been levied.
- The quantum and quality of public open space has been provided and is exemplary in terms of best practice in placemaking, urban design and development plan standards. And the criteria of Section 6 of the County Development Contribution Scheme have been applied. The standards for public open space have been met and public open space can be facilitated within the development.
- The cost of the financial contribution is significant.
- The open space fully complies with section 12.8.3.1 of the CDP “to qualify as public open space, the area must be designed and located to be publicly accessible and useable by all in the County; generally free from attenuation measures; and capable of being taken in charge (i.e. must accord with the Council policy on taking in charge of open spaces). And complies with DLR policy on Taking in Charge (2022) and the Development Standards Guidance Document (June 2022).
- The proposal complies with the Compact Guidelines for the following reasons:
 - The open space forms part of the development’s public realm & is distinct from a public park.
 - The space offers active and passive recreation.
 - The space provides a pedestrian and cycle connection.

- The space provides an important visual break between the main roads adjoining the site, and the buildings within the development.
- The public open space has been designed to offer an attractive ratio of hard and soft landscaping elements and forms an integral part of the design of the development.

6.2. Applicant Response

The applicant has responded to the appeals submitted and made the following observations:

- Planning report outlines why further information requested under 7a and 16 do not require a response as they were requested in error. The applicant sought clarification from the Planning Authority by way of a phone call.
- The applicant has carried out an independent Hydrogeological Assessment in direct response to the third-party appeal. (submitted with the appeal). The hydrogeologist has over 30 years' experience in water resource management and impact assessment. The independent assessment concluded "Overall, there is no likely potential for the proposed development to result in the Wicklow Groundwater body to deteriorate or prevent efforts to maintain Good Status as required under the requirements of the WFD". The independent assessment supports and reinforces the accuracy of the hydrogeological conceptual site model.
- In relation to the impact on pond habitats, the independent assessment indicates that significant drawdown affecting upgradient ponds is unlikely and that significant effects on the population of smooth newts present in Gorse Hill west of the development site are also unlikely. The newt ponds are not contained within the application lands. They are located at varying distances from the site boundary. The Hydrogeological Conceptual Site model demonstrated that there would be no negative change in groundwater levels at the newt ponds to the west of the site. And also states "the main pond features with a confirmed newt population are located more than 50m from the site boundary and therefore are predicted as not being impacted because of the temporary dewatering" during construction. The EcIA concluded: the

ponds distant from the site at distances greater than 65m are unlikely to be impacted by temporary local drawdown of water during pumping operations given that they are outside the zone of influence as identified in the HRA assessment. Ponds closer to the site boundary and within the zone of influence of dewatering operations, depending on water levels during the amphibian breeding seasons and degree of vegetation within the ponds have potential to be suitable for either breeding frogs or smooth newt, any artificial reduction in water level could have a negative effect on the local amphibian population the significance of which would be dependent on the severity of the reduction in water levels and the number of water features present at the time. In a worst-case scenario this could be a significant impact at the local scale. The mitigation measures proposed are considered sufficient to protect the breeding populations of smooth newt and/or common frog in the Gorse Hill ponds and it is possible that there may be some improvement due to the retention of water in the ephemeral ponds for longer periods due to the presence of the basement. The residual effect is neutral to slight positive”.

- No Contaminated Land Assessment was carried out and there is no evidence of any activity on site or adjacent sites or any source of contamination. Trial pits and boreholes across the site do not show any evidence of potentially polluting sources (e.g. Made ground) with bedrock near surface limited potential for any historical infill. A review of the Conceptual Site Model demonstrates that the only identified plausible pollutant linkages is from shallow groundwater on site, through groundwater flow in the bedrock geology, to the Carrickmines Stream located 100m to the east. No significant current or historical potential contaminating land-use has been identified for the site.

Based upon the distance to the stream, the low permeability of the bedrock geology, and the sporadic nature of the exceedances identified, the overall risk to water quality within the stream is currently considered to be Low. A Construction Environmental Management Plan (CEMP) will be adhered to throughout construction.

- Water Framework Directive Compliance Assessment completed for the site and no measurable change detected for Carrickmines Stream, Kilcullen GWB, Wicklow GWB and GW dependent terrestrial ecosystems.
- In relation to SuDs requirements, no infiltration features are proposed as part of the site Sustainable Drainage System. All site drainage will be routed to a sealed attenuation tank which discharges at a controlled rate to a surface water sewer. The full proposed SuDs details are provided in Civil Engineering Report, and it is fully compliant Appendix 7 of the CDP.

As the SuDs proposal do not promote infiltration, the conclusion of the EIA Screening Report remain unaffected.

- In relation to Barnacullia Landscape Character Area, the site is not located in the Barnacullia Landscape Character Area as per Appendix 8 of the CDP. A number of reports such as Townscape and Visual Impact Assessment assesses the townscape and visual impacts and concludes no significant negative landscape or visual impacts are predicted.
- The height of the building ranges from 3 storey (bounding the existing dwelling at Bramblewood) to 4 storeys (bounding the Whinsfield apartment scheme) and to 6 storeys (marking the Lamb's Cross Neighbourhood Centre). The site considers the adjacent development at Whinsfield at 4 storeys with 5th floor penthouse, recently granted development at Glenina and Karuna (TA06D.313443) and located 150m south of the subject site is "Aiken's Village" ranging in height from 4 to 6 storeys.
- The density is considered acceptable given the site area, proximity to Sandyford and Dundrum, short distance to bus/Luas services, zoning and updated junction, context of the receiving environment and emerging pattern of development in the area. The site is assessed in accordance with the Compact Settlement Guidelines.
- The Planners report states the development would satisfactorily meet the requirements of those respective zoning objectives "A" and would not detract from the amenities of the area. The proposal is consistent with the provisions of the County Development Plan. The site is not rural.

- In regard to the Appropriate Assessment, all documents were reviewed by an ecologist and concluded that; “the information and conclusion contained within those reports concurs with that on which the Appropriate Assessment Screening was based, and the conclusion of the Appropriate Assessment Screening Report remains valid.
- The proposal will not impact the view to the Dublin Mountains, the Planners report notes the scheme “will not exceed the prevailing permitted height of the area” and that the “scheme would not be fundamentally out of character with the surrounding area due by virtue of its height, bulk, massing and scale, nor by virtue of transition in height and scale”.
- The Planning Civil Engineering Report submitted provides detailed information in relation to surface water drainage, SuDs and foul water drainage. The road improvement scheme at Lamb’s Cross allowed for a foul pipe along the road to the proposed vehicular entrance of the proposed development, in compliance with Uisce Eireann specifications. The proposed gravity sewer will discharge to the existing (recently constructed) foul sewer on the Sandyford Road. The area can clearly support the proposed development in terms of engineering infrastructure.
- A desk top study was carried out to assess the option for “connectivity” for the prospective residents and the study revealed “very good” mobile connection according to ComReg. The site is currently served by 5g broadband signal, and the site will be serviced by high-speed fibre internet by the end of 2024.
- The building has been designed to protect the amenity of the adjoining residents, including those residing at “Bramblewood” (the property referred to in the appeal) and reduces overlooking, overshadowing, and overbearance. The design includes separation distances, opaque glazing, sensitive placement of balconies, hard and soft landscaping treatment along the western boundary.
- A Traffic & Transport Assessment Report was submitted with the application, and it is confirmed that traffic generated from the development will be spread over 4 no. routes; 1. Sandyford Road R117 Northbound, 2. Blackglen Road R113 Westbound, 3. Enniskerry Road R117 Southbound, 4. Hillcrest Road

R113 Eastbound. Therefore, traffic increases on the Hillcrest Road will be minimal. The retail element is for local community use and traffic will not be travelling from the M50 to the scheme.

- The engineers report submitted with the appeal states the most convenient and safe route from the site to Glencairn Luas Stop is through Aiken's Village and not along Hillcrest Road. Details of public transport submitted and concluded the proposal will not materially increase the levels of demand for public transport over current levels. Additionally, increased capacity and routes in the area that will be brought on stream as a result of the Bus Connects programme will help to alleviate any perceived concerns in this regard.

6.3. Planning Authority Response

The Planning Authority have responded and stated that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority would justify a change of attitude to the proposed development.

6.4. Observations

An observation was received, and the following comments were made:

- High rise development will overshadow and dominate Lambs Brook skyline. The site is slightly elevated compared to the housing estate opposite the site.
- Proposal will block the daylight in late afternoon and evening particularly in the autumn and winter months as our homes are westerly facing.
- Destruction of screening and amenity of the existing tree line on road frontage. The treeline was preserved during the completion of the Sandyford Road Improvement Scheme.
- Destruction the existing low-rise streetscape of the Lamb's Cross area and character of the area which is predominantly one and two storey buildings. Sandyford Village is designated as a rural village.
- Traffic issues and will be exacerbated by supermarket and a bar.
- Creche would be a better option to serve the area rather than a supermarket, gym would be healthier option than bar,

6.5. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Hydrological impact.
- Ecology - Newt
- Contaminated land.
- Design, density & visual impact.
- Residential Amenity
- Traffic and Transport
- Special Development Contribution.
- Other issues – sewerage, utilities
- Appropriate Assessment

7.2. Principle of Development

7.3. The proposal consists of a mixed use of retail, residential and childcare facility with open space and parking facilities. The subject site has two zoning objectives of the CDP. The northern section is zoned as “A”, the objective is to provide residential development and improve residential amenity while protecting the existing residential amenities. The southern section is zoned as “NC”, the objective is to protect, provide for and or improve mixed-use neighbourhood centre facilities. Directly to the west, the area is zoned as “F”, the objective is to preserve and provide for open space with ancillary active recreational amenities.

- 7.4. The grounds of appeal state the proposal contravenes zoning objective “A” which states to protect and/or improve residential amenity and that the site is rural not urban.
- 7.5. In response, the applicant has highlighted that the Planners report states the development would satisfactorily meet the requirements of those respective zoning objectives “A” and would not detract from the amenities of the area. The proposal is consistent with the provisions of the County Development Plan. The site is not rural and confirmed in Planners report and that historically the area was semi-rural, however given the evolving pattern of development in the area including residential and roads infrastructure, this has resulted in the area becoming far more suburban in character than was previously the case.
- 7.6. I have assessed the subject site in terms of zoning “A” and zoning “NC”, in accordance with the CDP, residential is permitted in principal use on lands zoned as “A” and NC”. The other uses proposed such as retail and services use are “permitted in principle” on lands zoned as “NC”. Therefore, I consider the proposed use of these lands are acceptable in principle whereby the proposal does not negatively affect residential amenity (discussed under Residential Amenity below).
- 7.7. I note that the subject site adjoins Fitzsimons Wood which is zoned as “F”, the objective is to preserve and provide for open space with ancillary active recreational amenities. I refer to section 13.1.2 of the CDP which sets out the provisions for transitional areas, and states it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone. In this regard it is necessary to protect the character and amenity of Gorse Hill and Fitzsimmons Wood. I note the applicant has proposed a buffer zone to the northwestern boundary and planting along the western boundary in order to protect Gorse Hill and Fitzsimon’s Wood.
- 7.8. Having regard to the zoning on site and the provision of the CDP, I consider that the proposed development is acceptable in principle and complies with the objectives of the zoning policies.
- 7.9. **Hydrological Impact**
- 7.10. The proposal will require the excavation of 27,400m³ of topsoil, subsoils, stones/bedrock to create the basement levels. As part of the planning application,

the applicant submitted a Phase 1 Hydrogeological Risk Assessment (HRA) which aims to characterise the water environment at the site and the local surrounding area. A Conceptual Site Model (CSM) was also developed for the site which has been used to inform the assessment, specifically whether there is any potential impact to the local/regional hydrological and hydrogeological regime as a result of the proposed development. As part of the response to the issues raised by the 3rd party, the applicant undertook an independent review of the HRA submitted. In addition, a Generic Quantitative Risk Assessment (GQRA) was submitted in response to the appeal which addresses groundwater quality matters and the site conceptual model in relation to groundwater quality in detail.

- 7.11. The grounds of appeal state the Hydrogeological Conceptual Model did not address the existing groundwater quality, and the assessment should be based on all elements of hydrogeological regime including the nature of the aquifer, its permeability and storage, groundwater levels, groundwater flow rates, recharge rates and the existing groundwater quality.
- 7.12. The independent assessment carried out by the applicant concluded “Overall, there is no likely potential for the proposed development to result in the Wicklow Groundwater body to deteriorate or prevent efforts to maintain Good Status as required under the requirements of the WFD”. The independent assessment supports and reinforces the accuracy of the hydrogeological conceptual site model. As part of the application, a Water Framework Directive Compliance Assessment was submitted, the Wicklow groundwater body underlies the site, it was assessed for both construction and operational stages of development. The current status is “Good”. It was determined that no measurable change to (or effect on) Groundwater Body (GWB) quantitative status. In addition, the proposal will have no measurable change to (or effect on) the GWB chemical status.
- 7.13. I have reviewed the Hydrogeological Assessment submitted with the application and I note the report concluded that the pumping of the basement excavation, will result in local drawdown of the groundwater level within the granite bedrock at and around the excavation area. This is expected to result in a reduction in natural groundwater flow to the east of the site and locally lower groundwater levels around the excavation area during construction. However, post construction the “tanked” basement will form an impermeable barrier to groundwater flow, and it is expected

that groundwater flows will equilibrate close to the pre-construction regime. The nearest stream (Carrickmines Stream) is located 100m east of the site. It is not anticipated that the construction works will impact Carrickmines Stream to the east.

- 7.14. I note the construction of the basement could have potential negative effect with interference of local groundwater levels and pathways on the ponds (7no.) in Gorse Hill area. The closest ephemeral “newt ponds” are located between 9-65m west of the site. As the dewatering for the basement construction will take place east of the ponds and considering the convergence of groundwater flow downgradient from the west/northwest, groundwater levels in this direction would not be expected to be reduced. Based upon the comprehensive assessments undertaken, the majority of water features and main water features within the adjacent Gorse Hill area are outside the zone of influence estimated, for the temporary dewatering period. A precautionary approach was undertaken, and mitigation measures will be implemented. This was not demonstrated by way of a hydrogeology assessment in the previous planning application under planning reference TA06D.309965
- 7.15. I consider given the location of the proposed basement and associated excavation works downgradient of ground water flow, in addition, given the precautionary approach and the proposed mitigation measures including the timing of excavation works outside the breeding season for the smooth newt (February to September inclusive), it is my opinion that there will be no negative effects to the water levels in the newt ponds.
- 7.16. As part of the appeal response, an independent review of the Hydrological and Hydrogeological assessment was carried out. I have reviewed the independent assessment which overall agrees with the understanding of the aquifer and the source pathway linkages to receptors including the downgradient Carrickmines Stream and the upgradient ponds which have newt habitats. I also note, no concerns were raised by the Biodiversity Officer of DLRCC or the Department in relation to the hydrogeology impact on adjacent habitats or local hydrology. I consider the assessment have adequately and sufficiently addressed the hydrology for the area and the potential impacts have been assessed.
- 7.17. In addition, the applicant will incorporate the Construction Environmental Management Plan (CEMP). These specific measures will provide further protection

to the receiving soil and water environments. However, I do not consider from reviewing the assessment submitted that the protection of the water quality of the newt ponds is reliant on these measures due to the unlikely potential impacts.

7.18. The previous refusal reason under An Bord Pleanála reference TA06D.309965 noted the Board were not satisfied that a comprehensive evaluation of the potential dewatering of the ponds in Gorse Hill has been provided. I consider the applicant has submitted comprehensive hydrogeology and hydrology assessments which details the groundwater regime. Therefore, I am satisfied that the applicant has addressed this issue.

7.19. Having regard to the assessment submitted with the planning application and the subsequent reports submitted as part of the appeal, and given the location of the site downgradient of groundwater flow from the potential smooth newt ponds, the distance to the nearby Carrickmines Stream and the temporary nature of the dewatering required to construct the basement along with the precautionary mitigation measures proposed and the implementation of the CEMP, I do not consider the proposed development will negatively impact the hydrogeological regime of the area.

7.20. Ecology – Smooth Newt

7.21. The subject site is located approximately 80m southeast from the boundary of Fitzsimon's Wood pNHA and 100m and 150m north of the Carrickmines Stream. The site is adjacent to Gorse Hill (open space/woodland) located on the western boundary of the subject site. Gorse Hill and Fitzsimons Wood pNHA form part of DLRCC Ecological Network adjoining the Ticknock to the River Dodder wildlife corridor as mapped in the DLR Biodiversity Plan 2021-2025.

7.22. The grounds of appeal state there will be potential impact on smooth newt ponds and contravene CDP Biodiversity Action Plan 2021-2025.

7.23. The applicant has stated that in relation to the impact on pond habitats, the independent hydrogeological assessment indicates that significant drawdown affecting upgradient ponds is unlikely and that significant effects on the population of smooth newts present in Gorse Hill west of the development site are also unlikely. The conclusion of the EIA Screening Report, with reference to potential impacts on

Biodiversity, are not affected. With the implementation of the no significant effects on smooth newt is anticipated.

- 7.24. I have reviewed the Ecological Impact Assessment submitted with the planning application; the report outlines that a walkover survey of Gorse Hill in January 2023 revealed several waters filled ponds within the Gorse Hill area. A small pond (12m³) was revealed approximately 9m from the western boundary of the subject site. Although not confirmed, the pond was deemed suitable to potentially support smooth newt. Recent surveys carried out by DLRCC in 2023 recorded up to 7 ponds within the Gorse Hill area and confirmed that there were newts in some of these ponds.
- 7.25. I have reviewed the Water Framework Directive Compliance Assessment, and a Hydrological Risk Assessment which were prepared to assess the potential impact of dewatering on the ponds in Gorse Hill area. The assessment concluded that there would be no impact to the adjacent Kilcullen groundwater body (on which the ponds are located) due to the limited zone of influence of the dewatering (calculated at c. 50m from the centre of the site) during construction, therefore there would be no change in groundwater hydrological regime of wet woodland as the proposed development is downgradient of the Gorse Hill area. No post construction adverse impact is expected. Ponds located over 50m from the site which are known to be present for some time and referred to as “newt ponds” (located at 65m) are unlikely to be impacted by temporary local drawdown of water during pumping operations given they are outside the zone of influence. Ponds closer to the site boundary of which two have been recently identified are at 35m and 9m respectively are within the zone of influence of the dewatering operations. Depending on water levels during the amphibian breeding season and degree of vegetation within the ponds, these ponds have potential to be suitable for either breeding frogs or smooth newt. Any artificial reduction in water levels during the breeding season as a result of dewatering operations could have a negative effect on the local amphibian populations. Precautionary mitigation measures have been proposed for during construction to reduce further any possibility for impact during the breeding season for amphibians. The mitigation measures include the timing of basement construction to occur outside the breeding season for both smooth newts and common frog.
- 7.26. An appeal response has been prepared by an ecologist, and the response confirms that the conclusions regarding the smooth newt and all other ecological receptors

remain valid. It is further reiterated that the newt ponds are not contained within the application lands and are located at varying distances from the site boundary. The Hydrogeological Assessment indicates no adverse effects on the hydrology of the seasonal newt ponds in Gorse Hill. The Hydrogeological Conceptual Site model demonstrated that there would be no negative change in groundwater levels at the newt ponds to the west of the site. It also states “the main pond features with a confirmed newt population are located more than 50m from the site boundary and therefore are predicted as not being impacted because of the temporary dewatering” during construction, and precautionary mitigation measures recommended in the HRA with timing of basement construction to occur outside the breeding season and juvenile growth phase of both smooth newts and common frog are included in the mitigation measures proposed in the EclA to avoid a significant negative impact to the local amphibian populations during the construction phase.

- 7.27. In my opinion, I consider the Hydrogeological assessment and Hydrogeological Conceptual Site Model have significantly demonstrated that the proposed development of the basement and associated dewatering will not have a significant impact on the potential habitat ponds for smooth newts. The zone of influence is outside the main potential pond sites identified and appropriate precautionary measures have been advised for the potential ponds closer to the subject site. However, given the location of the site downgradient from the potential ponds, I do not consider the proposal will negatively impact the habitat for smooth newts. I also note that Biodiversity section of DLRCC did not raise any concerns in relation the smooth newt habitats.
- 7.28. Having regard to the information submitted from specialists in relation to ecology and hydrogeology, I consider the proposed development will not negatively affect the habitat for the smooth newts. The proposed precautionary mitigation measures will further protect the smooth newt habitat, however, given the location of the proposed development downgradient of the smooth newt ponds, I am satisfied that there will be no negative impact to the smooth newt habitat.
- 7.29. **Contaminated land**
- 7.30. The subject site consists of a detached habitable dwelling (known as Crohamhurst) and a greenfield site to the south of the dwelling. A green palisade fence surrounds

the site. During my site visit I did not observe any evidence of contamination or dumping of rubbish.

- 7.31. The grounds of appeal claim the groundwater beneath the Crohamhurst site is polluted, the potential for impact on the nearby Carrickmines Stream has not been assessed and contravenes the Policy Objectives E15 and E18 of the current CDP. The EPA Screening Report (fig 4.7) and the Hydrogeological Assessment (see Fig. 5) describe the groundwater vulnerability at the Crohamhurst site as extremely vulnerable at a minimum.
- 7.32. The applicant has responded and stated no Contaminated Land Assessment was carried out and there is no evidence of any activity on site or adjacent sites of any source of contamination. Trial pits and boreholes across the site do not show any evidence of potentially polluting sources (e.g. made ground) with bedrock near surface limited potential for any historical infill. The independent assessment noted the elevated chloride concentrations in some wells drilled on site. It is possible that the elevated levels are due to the original septic tank on site, however, these boreholes are not located directly downgradient of the septic tank and may be anomalous. Additional water sampling was undertaken in May 2024, sporadic exceedances for ammoniacal nitrogen, chloride, phosphate and manganese have been detected within the onsite monitoring boreholes. Exceedances for ammoniacal nitrogen, chloride and phosphate have also been detected within the pond upgradient of the site and potentially indicating an off-site source. A review of the Conceptual Site Model demonstrates that the only identified plausible pollutant linkages is from shallow groundwater on site, through groundwater flow in the bedrock geology, to the Carrickmines Stream located 100m to the east. No significant current or historical potentially contaminating land-use has been identified for the site.
- 7.33. I note the site lies within the Wicklow Groundwater (IE_EA_G_076) which is classified by GSI as a poor aquifer meaning the bedrock is generally unproductive except for local zones. The GSI initial characterisation report for the Wicklow GWB indicates that the majority of groundwater flow will be concentrated within the upper 3m of the bedrock, with lateral flow towards discharge points such as rivers and streams, with some isolated deeper flow possible along the fractures, joints and major faults. The applicant carried out a Water Framework Directive (WFD)

Compliance Assessment which concluded that the proposal will not cause the Wicklow Ground waterbody to deteriorate and will not in any way prevent efforts to maintain current Good Status.

- 7.34. I note the concerns raised by the appellant, however, having reviewed the assessment submitted with the application and the sporadic nature of exceedances identified, in addition to my site visit, where there was no evidence of contamination or dumping observed on site, I do not consider that the site is contaminated or will negatively impact the area. In addition, no concerns were raised by the Environment section of DLRCC.
- 7.35. Having assessed the associated report submitted and the compliance with the WFD and based upon the distance to the Carrickmines stream, the low permeability of the bedrock geology, and the sporadic nature of the exceedances identified, no identified contaminated source on site, the overall risk to water quality within the stream is currently considered to be Low. The inclusion of a CEMP and adherence during construction. Therefore, the proposal will not contravene EI5 or EI8 of the CDP.
- 7.36. **Design, visual impact & density.**
- 7.37. The subject site will be laid out in three blocks of varying heights. The overall height for Block A is 26.1m from basement level, Block B is 23.9m from basement level and Block C is 23m from basement level, ranging from 3 – 6 storeys, (previously refused for 4-7 storeys). The finishes proposed are a mix of brick/render palette and a timber exo-skeleton articulate the layering of building volumes. The adjoining site is 5 storeys.
- 7.38. The grounds of appeal have concerns regarding the height and density of the proposed development. Large apartment block beside bungalows is inappropriate and misrepresented on the visuals submitted. The high-rise development will overshadow and dominate Lambs Brook skyline. The site is slightly elevated compared to the housing estate opposite the site. The proposal will destroy the existing low-rise streetscape of the Lamb's Cross area and character of the area which is predominantly one and two storey buildings. Sandyford Village is designated as a rural village and the proposal will impact on Barnacullia Landscape Character Area and the view towards the Dublin Mountains.

- 7.39. The applicant has responded and stated a Townscape and Visual Impact Assessment was carried out which concluded no significant negative landscape or visual impacts are predicted. A detailed landscaping plan will be implemented and incorporating any existing trees where possible. It is also outlined that the proposal is in accordance with the Building Height Strategy and the Compact Settlement Guidelines.
- 7.40. I have assessed the proposed building height in relation to Policy Objective BHS3 of the CDP as it relates to building heights of residual suburban areas. If the subject development is deemed to comprise of taller buildings than the prevailing permitted height of the area by more than 2 storeys set by BHS3 as a general height in residual suburban area, then the criteria as set out in table 5.1, Section 5 of the Building Height Strategy, Appendix 5 of the CDP should be applied. However, the subject site is located in an area with a number of permitted high-rise schemes either under construction or not yet built. Whinsfield is under construction to the north and consists of four-storey plus penthouse. Karuna and Glenina permitted development comprises of part six storey in 4 no. blocks of different heights. A Part 8 Scheme has been approved directly across the road with a maximum of 4 storeys. Other constructed developments in the area are between 4-6 storey in height (Aikens Village and Belarmine to the southeast). I do note the houses at Lamb's Brook and at Blackglen Court are two storey and single storey in height, although considering the overall area and recent permitted and constructed development, the proposed development will not exceed the prevailing permitted height of the area by more than 2 storeys. Therefore, I consider the proposed height is acceptable and in accordance with the Building Height Strategy of the CDP.
- 7.41. In relation to density, the number of residential units is 80 on a site of 0.77ha, this will achieve a density of c. 104 units per hectare. The proposal is in accordance with Policy Objective PHP18: Residential Density of the CDP which encourages higher densities provided that proposals consists of high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development. In addition, the subject site could be considered as a "City-Urban Neighbourhood" as per Table 3.1 of the Compact Settlement Guidelines where residential densities in the range of 50 uph to 250 uph shall be

generally applied in urban neighbourhoods of Dublin. Therefore, I consider the proposed increase in density at 104uph is considered acceptable and in accordance with the CDP and Compact Settlement Guidelines.

- 7.42. In regard to visual impact, the applicant has submitted a Townscape and Visual Impact Assessment (TVIA) and carried out an assessment on 16 no. viewpoints. I have reviewed the TVIA and the visual submitted. I consider that the proposed development integrates with the immediate environment with regards to the site layout, massing, height and overall finishes proposed. Furthermore, the use of foliage/greenery throughout the scheme/buildings creates visual interest and helps soften the building into the existing streetscape/landscape.
- 7.43. I note the site is located approximately 500m north of the Dublin Mountains. The proposed development will consist of three high rise blocks similar in height to the existing permitted and constructed buildings in the area, therefore, I do not consider that the proposal will look out of character for the area or visually detract from the view towards the Dublin Mountains given the nature of the surrounding area and the distance to the mountains.
- 7.44. In regard to Landscape Character, I have reviewed Appendix 8 of the CDP, the site is not located in the Barnacullia Landscape Character Area, the site is not located in any defined landscape character area. Therefore, I do not consider that the applicant should comply with the Barnacullia Landscape Character Area.
- 7.45. The previous planning application under An Bord Pleanála reference TA06D.309965 was refused for the scale, height and bulk. The current application has been significantly reduced in terms of height, scale and bulk, the revised design addresses the previous refusal reasons. The Board should also note a number of policy documents have been updated since this initial application lodged in April 2021
- 7.46. Having regard to the siting of the proposed development within an area experiencing a high level of development which is resulting in higher densities and increased buildings heights, I do not consider the proposal is out of character with the area and will provide an additional service or visual interest to the area by way of its design and the proposed retails units/element. Therefore, it is my opinion that the proposal will not negatively impact the visual setting of the area. I consider the design, density and setting is acceptable and appropriate for the area.

7.47. Residential Amenity

- 7.48. The subject site is located c. 25-28m to the south of Whinsfield development and located c. 48m to the west of Lamb's Brook and to the north of Lamb's Cross c. 33m. Bramblewood (residential dwelling) is located to the west c. 12m from the proposed ground floor supermarket.
- 7.49. The grounds of appeal state the proposal will block the daylight in late afternoon and evening particularly in the autumn and winter months on dwellings to the east as they are westerly facing.
- 7.50. The applicant has stated the building has been designed to protect the amenity of the adjoining residents, including those residing at "Bramblewood" and reduces overlooking, overshadowing, and overbearance. The design includes separation distances, opaque glazing, sensitive placement of balconies, hard and soft landscaping treatment along the western boundary.
- 7.51. Section 12.3.5.2 of the CDP requires a minimum separation distance of 22 metres, the compact settlement guidelines require a minimum separation distance of 16 metres for opposing habitable windows. The dwelling known as Bramblewood is located c. 12 metres from the proposed development. The ground floor and 1st floor will consist of retail, the 2nd floor consists of residential properties facing in western direction, opaque windows are proposed. However, as there are no direct habitable windows overlooking each other at this location, I consider the proposed separation distance is acceptable and therefore overlooking is not an issue. The applicant is providing a 2-metre-high wall along the western boundary along with planting in order to prevent overlooking from the ground floor and a 2 metres high wall is proposed along the communal open space at 2nd floor level.
- 7.52. In relation to the appellants concerns regarding overshadowing to the dwellings at Lamb's Brook located c. 48m to the east of the subject site, given the separation distance, I do not consider that the proposed development will cause overshadowing at any time of the day to the properties at Lamb's Brook during the summer, spring or autumn and with a negligible amount of shading in the winter due to the sun setting in the west.
- 7.53. Bramblewood dwelling located to the west may experience overshadowing in the morning as the sun rises from the east and this may impact their rear private amenity

space, it is noted that no windows on the eastern elevation of the property, however, there will be no issue for overshadowing from early afternoon throughout the day. The BRE criteria states more than 50% of each area receiving more than 2 hours of sunshine on the required day of 21st March. I consider the limited overshadowing is acceptable and the adjoining property will receive more than 2 hours of sunshine, therefore, it is my opinion, the proposal will not negatively impact on the residential amenity of the residents for Bramblewood.

- 7.54. In terms of overbearance, I do not consider the proposal will impact on the surrounding buildings/dwellings to the north, south or east. The property to the west is located c. 12 metres from the proposed development. There are no windows located on the eastern elevation of this property and the proposed development is set behind the building line of the existing dwelling. Therefore, I do not consider the residents of the property will experience overbearance. The applicant will provide a 2-metre-high wall and additional planting along the western boundary, and this will soften the impact of the proposal on private amenity space of the adjacent dwelling. The Board should note that no submission or observation was received from the residents of this property.
- 7.55. Having regard to the location of the subject building, the separation distance to nearby properties and the orientation of the subject building, I consider the proposal complies with the BRE requirements and will not cause an unduly negative impact on the adjoining amenity due to the overshadowing, overlooking or overbearance.
- 7.56. **Traffic and Transport**
- 7.57. The subject site is located along the R117 Sandyford Road, the applicant is proposing a single entrance/exit along Sandyford Road.
- 7.58. The grounds of appeal state Hillcrest Road are not suitable for more traffic and that public transport is insufficient. Traffic issues will be exacerbated by supermarket and a bar.
- 7.59. In response to the appeal, the applicant has stated a Traffic & Transport Assessment Report was submitted with the application and it is confirmed that traffic generated from the development will be spread over 4 no. routes; 1. Sandyford Road R117 Northbound, 2. Blackglenn Road R113 Westbound, 3. Enniskerry Road R117 Southbound, 4. Hillcrest Road R113 Eastbound. Therefore, traffic increases on the

Hillcrest Road will be minimal. The retail element is for local community use and traffic will not be travelling from the M50 to the scheme. The engineers report submitted with the appeal states the most convenient and safe route from the site to Glencairn Luas Stop is through Aiken's Village and not along Hillcrest Road. The applicant has submitted details of public transport in the area and noted the results of the National Household Travel Survey 2022 in line with the 2022 Census which provide an insight into the travel movements of those residing in particular areas. The applicant has concluded the proposal will not materially increase the levels of demand for public transport over current levels. Additionally, increased capacity and routes in the area that will be brought on stream as a result of the BusConnect programme will help to alleviate any perceived concerns in this regard.

- 7.60. I have reviewed the Traffic and Transport Assessment (TTA) submitted with the planning application. Traffic counts were carried out in the year 2019 for the AM and PM peak hours in accordance with "Traffic and Transport Assessment Guidelines, TII 2014. The expected traffic counts were calculated for an opening year of 2025, opening year +5 year forecast 2030, and opening year +15 forecast 2040. Overall, the report concluded that at Lambs Cross Junction R117/R113 (Hillcrest Road), as a result of the upgrade works which were carried out by Dun Laoghaire Rathdown County Council, the proposed development traffic will operate within capacity for all design years for the morning and evening peak hours. I am satisfied that the TTA has demonstrated sufficient capacity, and I also note no concerns were raised by Transportation section of DLRCC.
- 7.61. In regard to lack of public transport, the applicant prepared a Travel Plan report which sets out the public transport in close proximity to the proposed development. I note Glencairn Luas is located within 1.6km and 5 minutes' cycle or 21 minutes' walk from the proposed development, a park and ride are also available at the Luas stop. Lambs Cross is served by the 44B bus route which runs from Glencullen to Dundrum Luas Station and the 114-bus route which runs from Simon's Ridge to Blackrock Station, the frequency is between 30min and 40min during the morning peak hour and between 45min and 60min during the evening peak hour. Dundrum town centre has a Luas stop, while Blackrock station has numerous bus routes and a DART service. I consider, there is more than sufficient public transport in the vicinity of the proposed development. I also note that National Transport Authority will be investing

in 3 no. additional and upgraded Bus Routes to provide further enhanced public transport facilities to the Lambs Cross area.

- 7.62. In addition, the applicant submitted a response from the Traffic & Transportation Consulting Engineers in relation to the appeal. I have reviewed this response which highlights the traffic generated by the proposed development will be low during the morning peak hour 08:00-09:00 as the supermarket will not be generating any significant traffic during the morning peak hour. The 80 no. apartments will only generate approximately 18no. car trips out and 4 no. trips in during the morning peak hour. This traffic will be spread over 4 no. routes including Sandyford Road R117 northbound, Blackglenn Road R113 westbound, Enniskerry Road R117 southbound and Hillcrest Road R113 eastbound.

Traffic generated by the proposed development during the evening peak hour 17:00-18:00 will be higher particularly during Thursday and Friday evenings due to increased shopping activity. Again, the 4 no. routes will be utilised. The supermarket and other services in the proposed development are for the local community to avail of and traffic will not be travelling from the M50 to access this development.

- 7.63. In my opinion, given the option of 4 no. routes to travel to the proposed development along with the numerous public transport options, I do not consider the proposed development will have a negative impact on Hillcrest Road. I also note that pedestrian and cycle lane facilities have been upgraded heading eastbound toward Glencairn Luas Station through Aikens Village (1.7km, 21min walk), whereas the possible use of Hillcrest Road is only minimally shorter and quicker (1.6km, 20min walk). I have reviewed the reports from the Transportation section, and no issues were raised in relation to the capacity of the surrounding roads or in relation to lack of public transport. Therefore, I consider the general public will use the upgraded facilities as opposed to the narrow footpath on Hillcrest Road.

- 7.64. Having regard to the proposed relatively minor increase in traffic and the option of 4 no. potential routes to and from the proposed development, I do not consider the proposed development will significantly increase traffic on the Hillcrest Road. In addition, I consider, there are numerous public transport options within a relatively short distance from the proposed development that can be utilised by the future occupants and users of the proposed development.

7.65. Other issues – sewerage, utilities, procedural issues

7.66. The appellants have raised a number of other concerns which are addressed in this section.

7.67. Sewerage

7.68. The grounds of appeal state that the majority of houses in the area are on individual septic tanks.

7.69. I note the applicant has submitted Confirmation of Feasibility from Uisce Eireann and that the proposed development will connect to the recently constructed foul sewer on the Sandyford Road. I accept the proposal can connect to public sewer and will not interfere or impact on the adjacent individual septic tanks.

7.70. Utilities

7.71. The grounds of appeal state there are no utilities in the area such as TV, Wi-Fi, or basic mobile phone signal.

7.72. In response to the appeal, the applicant carried out a desk top study to assess the option for “connectivity” for the prospective residents and the study revealed “very good” mobile connection according to ComReg. The site is currently served by 5g broadband signal, and the site will be serviced by high-speed fibre internet by the end of 2024. Therefore, I am satisfied that there is sufficient telecommunication coverage in the area for the proposed development.

7.73. Surface water

7.74. The appellant has raised concerns in relation to SuDs measures proposed which should take into account local environmental factors such as the natural vulnerability of groundwater to contamination. The appellant also outlines that the SuDs measures include the infiltration of surface water into the ground to minimise run-off and so alleviate the risk of flooding.

7.75. I have reviewed the Civil Engineering Report submitted with the planning application; no infiltration features are proposed as part of the Sustainable Drainage System. The report outlines that all site drainage will be routed to a sealed attenuation tank which discharges at a controlled rate to a surface water sewer. Following a further information request to increase the size of the attenuation tank and to provide a second access manhole at the opposite end of the tank to facilitate emergency

access/egress, which the applicant submitted, and no further objection or concerns were raised by Drainage section of DLRCC. Therefore, I am satisfied that no infiltration features are part of the Sustainable Drainage System and the proposed attenuation tanks and associated sustainable features are considered acceptable.

7.76. Procedural issues

7.77. The appellant has raised concerns in relation to the Planning Authority seeking further information under request 7a and 16 in which an independent hydrogeologist assessment was requested and also sought by the Department of Housing, Local Government and Heritage. The applicant did not respond to this request and conducted a telephone call with the Planning Authority. There are no minutes of this telephone call, or reasons outlined as to why the applicant did not submit an independent Hydrologist Assessment. The appellant also highlighted that they only have 2 weeks to respond to further information submitted while the applicant had 7 months to respond.

7.78. The applicant has highlighted that the Planning report outlines why further information requested under 7a and 16 did not require a response as they were requested in error. The applicant sought clarification from the Planning Authority by way of a phone call. The Department of Housing, Local Government and Heritage (Development Applications Unit) (NPWS) requested a suitably qualified expert in the field of hydrogeology should be undertaken to evaluate the hydrogeological conceptual model of the development site and its vicinity on which is based the Hydrogeological Assessments supporting the present application's conclusion that it should result in no significant adverse effects on the hydrology of the seasonal smooth newt breeding ponds present in the neighbouring Gorse Hill.

7.79. I have reviewed the Planning Report and I note the planner has addressed this issue and outlines that a telephone call was made between the case planner and applicant's Senior Hydrogeologist and stated the request on items 7(a) and 16 were made in error and that the biodiversity and drainage internal reports received did not raise concerns with regard to hydrogeological matters or impacts, and an appropriate hydrogeological condition can be applied. The case planner also clarified that the NPWS (Department of Housing, Local Government and Heritage) rather suggested that the Planning Authority and relevant technical departments satisfy themselves

with the content of the reports submitted. I would like to highlight; the applicant has carried out an independent hydrogeological assessment as part of the appeal response and the report agreed with the conclusions and findings of the initial hydrogeological assessment.

7.80. I am satisfied that this matter was considered acceptable by the Planning Authority. Therefore, I am satisfied that this did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

7.81. Special Development Contribution

7.82. Section 12.8.3 of the CDP requires all new developments shall have a minimum of 15% open space and to qualify as open space it must be designed and located to be publicly accessible and useable by all the County, generally free from attenuation measures and capable of being taken in charge (i.e. must accord with the Council policy on taking in charge of open spaces). It is acknowledged that not all schemes may be able to achieve these standards, in these instances the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended. The contribution in lieu to be paid for any shortfall in the quantum of public open space to be provided will be used for the provision of improved community and civic infrastructure and/or parks and open spaces, in the vicinity of the proposed development for use of the intended occupiers of same. Public open spaces may be taken-in-charge, by the Local Authority, or may be privately managed.

7.83. Section 6.2 of the Development Contribution Scheme states where the Planning Authority considers that the standards for public open space referred to in the County Development Plan are not met and/or that open space cannot be facilitated within the development, an additional financial contribution of €7,500,000 per hectare shall be calculated on a pro rata basis on the quantum of the shortfall in public open space and monies paid in accordance with such condition shall be applied to the provisions of and/or improvements to a park and/or enhancement of amenities in the area.

7.84. The first party appeal submits that the Planning Authority has incorrectly applied a special contribution given that there is a sufficient quantum and quality of public open

space delivered within this proposal. The applicant has outlined that 15.49% (1200.26sqm) of quality public open space has been provided.

- 7.85. The applicant has outlined that the Planning Authority consider the public open space as public realm area and does not qualify as public open space in accordance with section 12.8.3.1.
- 7.86. I will assess the open space against the criteria outlined in section 12.8.3.1 and in accordance with the Compact Settlement Guidelines.
- 7.87. The first criteria state the area must be designed and located to be publicly accessible and useable by all in the County. Parks Department of DLRCC consider the open space as public realm rather than open space. DLRCC definition of public realm is “the public realm embraces the external places in our towns and cities that are accessible to all. These are everyday spaces that we move through and linger within, the places where we live work and play”. The proposed open space complies with this definition as it is accessible by the public and include amenities such as the plaza area and adjoining seating, high standards of hard and soft landscaping elements.
- 7.88. The Sustainable Residential Development and Compact Settlement Guidelines state; “public open spaces in residential schemes refers to the open spaces that form part of the public realm within a residential development. This is distinct from a public park. Open spaces provide for active and passive recreation, nature conservation, pedestrian and cycle connection and provide an important visual break between streets and buildings. All residential developments are required to make provision for a reasonable value of public open space. There is a need to focus on the overall quality, amenity value, and biodiversity value of public open spaces. The spaces should integrate and protect natural features of significant and green and blue infrastructure corridors within the site and should support the conservation, restoration and enhancement of biodiversity. The public open spaces should also form an integral part of the design and layout of the development and provide a hierarchy of spaces, with suitable landscape features including seating and provision for children’s play”.
- 7.89. In my opinion and having regard to the definition provided in the compact settlement guidelines, the proposed open space forms part of the proposed development’s

public realm & is distinct from a public park, the space offers active and passive recreation, provides a pedestrian and cycle connection, the public open space offers both hard and soft landscaping elements.

- 7.90. I also note all public open spaces are overlooked and are designed to ensure that potential for antisocial behaviour is minimised through passive surveillance. All public open spaces are visible and accessible to a number of dwellings within the scheme. The seating area provides for age friendly measures.
- 7.91. In addition, the proposed site is located in close proximity to a number of other public parks and open space facilities such as Fitzsimon's Wood (900m), Fernhill Park & Gardens (800m), Ballawley Park & Playground (2km), Marlay Park (3.2km), Ticknock Forest (3.4km) and Loreto Park (5km). I also note the applicant has provided c 2,297sqm of communal open space split across a plaza style area at Level -1 (c. 868sqm) and 6no. separate roof garden areas (2no. per block measuring c.1429sqm in total) over a variety of levels in excess of the 550sqm requirement. Section 12.8.5.4 of the CDP states for larger apartment schemes in excess of 50 units no more than 30% of the communal space shall be provided by way of a roof garden, it is noted the applicant has provided c. 62%, however, the applicant has outlined that full communal open space requirement at grade at 868sqm has been provided and this is over the required 550sqm and the communal roof gardens of 1,429sqm are in addition to the provision at grade. I also note the communal space at ground floor level includes a playground for children. I am satisfied the applicant has provided the required communal open space.
- 7.92. The second criteria of section 12.8.3 states the public open space should be generally free from attenuation measures. The open space is entirely free from attenuation features which are wholly contained in the blue roof system. Therefore, in my opinion, the public open space complies with this criterion.
- 7.93. The final criteria of section 12.8.3 relates to being capable of being taken in charge. The applicant plans to privately manage this area along with the entire site and they will be responsible for the maintenance of all public open space. The applicant has confirmed that the open space has been designed in accordance with Taking in Charge Policy Document (May 2022) and Development Standards Guidance Document (June 2022). The public open space does not incorporate any car or bus

parking areas, refuse areas, ESB Substations, service infrastructure or underground flood attenuation tanks. However, I note the public open space is over the basement private car park, which may preclude the open space from being taken in charge. Section 12.8.3.1 of the CDP also states, “Public open spaces may be taken-in-charge, by the Local Authority, or may be privately managed”, therefore I consider the public open space regardless of the end manager shall be considered as appropriate open space.

- 7.94. Having regard to the provisions of the CDP, the Compact Settlement Guidelines, the provision of over 15% of public open space/public realm in addition to the communal space provided above the required allocation. I consider the applicant has provided public open space in accordance with section 12.8.3.1 of the CDP and the Board shall remove condition 16. I do not consider it is necessary for the applicant to pay a special contribution towards public open space, while public open space is provided on site in addition to the ample communal open space.

8.0 AA Screening

- 8.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Wicklow Mountains SPA/SAC and Killiney Bay, or any other European site, in view of the site’s Conservation Objectives, and Appropriate Assessment is not therefore required.

- 8.2. Appropriate Assessment Screening was carried out by the applicant and concluded that:

“It is concluded that there will be no negative effect on the Wicklow Mountains SAC or SPA due to its remote distance from the site and the negligible habitat removal as a result of this development which is not considered to contribute any measurable in combination impact with other larger scale landscape changes in land use on habitat resources for peregrine falcons or merlin within or outside the Wicklow Mountains SPA.

Given the low risk of any pollution impacts associated with the development, the remote hydrological distance to the European Sites within Killiney Bay together with the treatment of wastewater at Ringsend Treatment Plant, the proposed development is not likely to have a significant negative direct, indirect or in combination effects on the conservation objectives of European sites within the zone of influence of the project and a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required.”

8.3. My determination is based on the following:

- Given the distance to the European Sites from the proposed development and lack of meaningful ecological connections to those sites.

This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European site.

9.0 Recommendation

I recommend that planning permission should be granted, subject to conditions as set out below.

10.0 Reasons and Considerations

10.1. Having regard to the policies and objectives of Dun Laoghaire Rathdown County Development Plan 2022-2028, the residential and mixed use zoning on site, the design of the proposed development, separation distance to nearby properties, and the unlikely impact on the species identified in the nearby Gorse Hill and Fitzsimon’s Wood, pNHA, the unlikely impact on the hydrogeology of the area and the provision of adequate public transport and accessible road linkages to the site, in addition having regard to the Compact Settlement Guidelines and the Building Height Guidelines, it is considered that the proposed development, subject to compliance with the conditions as set out below, would not seriously injure the residential or visual amenities of the adjoining properties of the area and would be acceptable in terms of pedestrian and traffic safety and will protect the species identified in Gorse Hill and Fitzsimon’s Wood, pNHA and would therefore be in accordance with the proper planning and sustainable development for the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10th day of July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to commencement of development, the applicant/developer is required to provide architectural and landscaping plans for an alternative location for the open space associated with the creche/childcare facility that is more readily accessible to the staff and children at the facility. The availability of communal open space adjacent to the creche/childcare facility, is noted, and it is considered that a portion of this may be reallocated, with the proposed creche open space at roof level reallocated for residents of the development.

Reason: In the interest of proper planning and sustainable development.

Drainage

3. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: In the interest of public health.

4. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

Transportation

5. Prior to commencement, the applicant/developer shall submit revised drawings and details of the vehicular entrance layout for agreement with the Planning Authority. The revised design shall be updated in order to prioritise pedestrian and cyclist movements over infrequent large vehicle movements and agreed with the Transportation Planning Department prior to commencement.

Reason: In the interest of sustainable transportation.

6. (a) Safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces and the cycle storage facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
(b) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

7. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing

with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

8. All accepted recommendations made within the submitted Quality Audit by MHL & Associated Ltd Consulting Engineers dated 20th December 2023 shall be implemented and at the Applicants/developers expense a Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit, DMURS Street Design Audit and a Walking Audit) shall be carried out Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the developer's expense in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) Standards. The independent audit team(s) shall be approved in writing by the Planning Authority and all measures recommended by the Auditor shall be undertaken unless the Planning Authority approves a departure in writing.

Reason: In the interest of sustainable transportation.

Landscaping

9. The landscaping scheme, as submitted to the planning authority on the 15th day of March 2024 shall be carried out within the first planting season following substantial completion of external construction works.
All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

10. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the

planning authority on the 15th day of March 2024. This work shall be completed before any of the residential units are made available for occupation unless otherwise agreed in writing with the planning authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

11.(a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.

(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

Construction

12. Prior to the commencement of any excavation or rock breaking activities a detailed plan shall be submitted and approved by the Planning Authority. The plan shall include the selected methodology for rock breaking and how the selected method will best reduce environmental impacts including restricting the hours of breaking, setting specific noise limits that if breached will trigger a review of methodology and proposed methods for keeping affected residents informed as works progress.

Reason: In the interest of public health and in order to safeguard the amenities of property in the vicinity.

13. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

14. All site development works, with the exception of the laying of the final dressing to the road surface, shall be completed prior to the commencement of construction of any of the dwelling units.

Reason: To ensure the timely provision of infrastructural works for the development.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles

in the case of the closure of any public road or footpath during the course of site development works;

- (i) Provision of parking for existing properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

Reason: In the interest of amenities, public health and safety and environmental protection.

16. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

17. Silt traps shall be provided on all surface water drainage channels. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent water pollution.

18. Surface water run-off from open excavated areas shall not be discharged directly to any watercourse. All such water shall be trapped and directed to temporary settling ponds.

Reason: To prevent water pollution.

19. The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats and catch trays. Such measures shall be subject to the written agreement of the planning authority prior to commencement of works.

Reason: To prevent water pollution.

20. Soil, rock and sand excavated during construction shall not be left stockpiled on-site following completion of works. Details of treatment of stockpiled materials shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and sustainably re-use materials.

21. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interest of traffic safety and convenience.

Waste Management

22. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.

23. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [within each house plot and/or for each apartment unit] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in

particular recyclable materials, in the interest of protecting the environment.

Biodiversity

24. (a) Prior to the commencement of development, the developer/applicant shall engage the services of a qualified Ecologist as an ecological consultant, from the commencement of construction and for the duration of the monitoring requirements as set out in the Ecological Impact Assessment (EclA), Hydrological Risk Assessment (HRA), Construction Environmental Management Plan (CEMP) and planning application documents including. All mitigation measures shall be implemented.

(b) A Biodiversity Mitigation Plan shall be submitted to the Planning Authority for written approval at least 5 weeks in advance of site clearance and commencement of site works. The plan shall outline all of the biodiversity related mitigation measures for all phases of the development including clearance works, construction and operation of the development and will include all biodiversity measures relevant to the EclA, HRA, CEMP, Landscape Plan and all associated documents. All mitigation measures relating to Biodiversity, outlined will be implemented, recorded and reported by a suitably qualified ecologist directly to the Planning Authority.

(c) Prior to commencement of development, and prior to the demolition of the existing dwelling, a pre demolition bat survey, will be carried out by the suitably qualified bat specialist. NPWS must be consulted and a licence obtained, if required.

(d) Trees should be felled under the supervision of a suitably qualified ecologist and left intact on the ground for a period of at least 24 hours to allow any bats (if present) to escape and if possible they should be felled during the months of September or October when bats are not hibernating and still capable of flight.

(e) Prior to commencement, the applicant shall submit a final lighting plan with input from a mammal and bat specialist including details regarding the wildlife corridor. The applicant shall submit to the Planning Authority a letter from the specialist/s, that they are satisfied that the final design of the lighting proposed for the development and that it is to the required

specification to ensure no impacts on bats or nocturnal mammals. The lighting plan design will ensure that the wildlife corridor is unlit and there is no light spill to the wildlife corridor, Gorse Hill and Fitzsimons Woods pNHA, from the proposed site.

- (f) The applicant shall submit a report from the project ecologist to the Planning Authority confirmation that the installation of the lighting is operating according to their satisfaction and specification.
- (g) Prior to the commencement of the development, preconstruction surveys (February to June) of the site will be carried out for breeding amphibians (smooth newt and common frog) within features along and adjacent to the western boundary of the residential site (pond and seepage areas) by an amphibian specialist. NPWS must be consulted, if required and a licence obtained for the translocation of these species to wetland features in the surrounding area, subject to agreement with NPWD and the Planning Authority.
- (h) In terms of hydrogeological impacts and to reduce the risk of any temporary impact on water levels at the newt pond areas all mitigation measures outlined in the Hydrogeological Risk Assessment (HRA) and Ecological Impact Assessment will be implemented relating to groundwater and surface water.
- (i) Prior to the commencement of the development, a preconstruction mammal survey of the development site and Gorse Hill up to 150m by a suitably qualified ecologist will be completed to check for new setts. NPWS must be consulted and a licence obtained, if required.
- (j) An Invasive Species Management Plan by an invasive species specialist, will be provided to the Planning Authority at least 5 weeks prior to the commencement of the development, for the treatment and removal of cherry laurel and/or any other invasive species.
- (k) No vegetation clearance should take place during the bird breeding season (March 1st to August 31st), any Prior to, during and after vegetation clearance shall be supervised by a suitably qualified ecologist and any features likely to be used by adult newt, lizard or frog, badger, hedgehog

and pygmy shrew will be checked. Any translocation procedures can only proceed under licence from NPWS.

- (l) The installation of bird boxes including swift boxes and lures shall be carried out under the supervision of a suitably qualified ecologist.
- (m) A revised Landscape and Green Roof design shall be submitted at least 5 week prior to commencement for written agreement from the Planning Authority which will examine the option to use local soil from the site where feasible, to provide the basis for the green biodiversity roof areas which were planned for planting of wildflower seed and to instead use a local native seed source.
- (n) Given the proximity of the hardstanding shown on the landscape design drawings to the proposed wildlife corridor, the likely required maintenance of any adjacent vegetation and also the lighting associated with the development, it is considered that the applicant has not demonstrated the feasibility of the design for the wildlife corridor as a biodiversity refuge. Therefore, a wildlife corridor comprising a width of at least 4.5 metres and based on more detailed design including any lighting in proximity to it, will be developed in consultation with DLR Biodiversity Officer and will be submitted at least 5 weeks prior to the commencement of the proposed development for agreement with the Planning Authority.
- (o) The applicant will submit monitoring schedule and reports from their ecologist to the Planning Authority at intervals agreed with the Planning Authority, for all biodiversity related measures outlined in the Planning documents or as a result of consultations with DLR Biodiversity Officer and/or NPWS and will confirm that the measures have been implemented according to specification. Actions required to be undertaken by the applicant as a result of the recommendations of monitoring will be reported to the Planning Authority.

Reason: To ensure an adequate protection of biodiversity and to undertake any remedies if required. To mitigate the loss of bird habitat and to ensure that the appropriate advice and support obtained in relation to birds, to assist the success of the nest boxes.

Part V

25. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

Taking in charge

26. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

Signage

27. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible

from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

Archaeology

28. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

REASON: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.

Contributions

29. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Bonds

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure that the public road is satisfactorily reinstated, if necessary.

31. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To secure the protection of trees on the site.

32. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Jennifer McQuaid
Planning Inspector

21st March 2025

Form 1

EIA Pre-Screening

An Bord Pleanála		ABP-319621-24					
Case Reference							
Proposed Development Summary		The demolition of the existing single storey dwelling and the construction of a new neighbourhood centre and residential development. The development consists of 80 no. residential apartment units and associated residential amenity space, a supermarket and associated off licence, a restaurant / bar and associated winter garden, 2 no. retail units, an ATM area, a health centre and a café. Further information amended to include creche, barber and 2 kiosks.					
Development Address		Crohamhurst, Sandyford Road, Dublin 18, D18 W9Y5					
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)			<table border="1"> <tr> <td>Yes</td> <td>X</td> </tr> <tr> <td>No</td> <td></td> </tr> </table>	Yes	X	No	
Yes	X						
No							
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?							
Yes	X	Class 10 Infrastructure Projects: (b) (i) Construction of more than 500 dwelling units. (b) (ii) Construction of a carpark providing more than 400 spaces, other than a carpark provided as part of, and incidental to the primary purpose of a development. (b) (iii) Construction of a shopping centre with a gross floor area exceeding 10,000 square metres.	Proceed to Q3.				

		<p>(b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial uses.)</p>	
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	<p>Class 10 Infrastructure Projects:</p> <p>(b) (i) Construction of more than 500 dwelling units.</p> <p>(b) (ii) Construction of a carpark providing more than 400 spaces, other than a carpark provided as part of, and incidental to the primary purpose of a development.</p> <p>(b) (iii) Construction of a shopping centre with a gross floor area exceeding 10,000 square metres.</p> <p>(b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business</p>	<p>Schedule 7a information submitted (Form 3)</p>

		<p>district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial uses.)</p> <p>The proposal consists of a mixed-use development including 80 no. residential units, 6 commercial units, 251 car parking spaces and 154 bicycle parking spaces on a site area of 0.77ha.</p>	
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5. Has Schedule 7A information been submitted?		
No		Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes	X	Screening Determination required. Refer to Form 3 EIA Screening Determination

Inspector: _____ Date: _____

Form 3 EIA Screening Determination

A. CASE DETAILS

An Bord Pleanála Case Reference	ABP-319621-24	
Development Summary	<p>The demolition of the existing single storey dwelling and the construction of a new neighbourhood centre and residential development. The development consists of 80 no. residential apartment units and associated residential amenity space, a supermarket and associated off licence, a restaurant / bar and associated winter garden, 2 no. retail units, an ATM area, a health centre and a café.</p> <p>Further information amended to include creche, barbers and 2 no. kiosks.</p>	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The Planning Authority refer to the Appropriate Assessment Screening carried out by the applicant and note it has been determined that the proposed development would not significantly impact upon a Natura 2000 site.
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	<p>An AA Screening report has been submitted and concluded:</p> <p>“that there will be no negative effect on the Wicklow Mountains SAC or SPA due to its remote distance from the site and the negligible habitat removal as a result of this development which is not considered to contribute any measurable in combination impact with other larger scale landscape scale changes in land use on habitat resources for peregrine falcons or merlin within or outside the Wicklow Mountains SPA.</p> <p>Given the low risk of any pollution impacts associated with the development, the remote hydrological distance to the European Sites within Dublin Bay and Killiney Bay together with the treatment of wastewater at Ringsend Treatment Plant, the proposed development is not likely to have a significant negative direct, indirect or in combination effects on the conservation objectives of European sites within the zone of influence of the project and a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required.”</p>

4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No		
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	No		
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The area is predominately residential with detached/semi-detached housing estates. Recent planning applications within the last 5-year period are medium and large-scale residential	No

		developments and the Glenamuck District Road Scheme.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	The demolition of a single dwelling is required, and this is considered limited. The majority of the site is greenfield. The construction will involve the excavation for a 2-storey basement. No physical changes are predicted to the locality.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	The proposal will require natural resources during the construction and operation. The construction will require fuel, iron ore, granular materials and water. The resources are not considered in short supply, and significant quantities are not required.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No		
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?		Construction waste will be managed through best practice methods for disposal and adherence to the Construction and Demolition Waste Management Plan (C&DWMP) and the Construction Environmental Management Plan (CEMP) which seeks the recovery of waste in the first instance, maximises recycling and outlines waste prevention methods and procedures. It will also outline the collection and transport of waste. Only approved waste collection permit holders will be contracted for the collection of waste during the construction phase.	No

		<p>If the removal of asbestos is required for the demolition of the dwelling, a suitably qualified contractor will be employed.</p> <p>During operation municipal waste and commercial waste will be generated. An outline Operational Waste Management Plan (OWMP) has been prepared for the collection, management and disposal of waste during the operation of the proposed development. A detailed plan will be developed by the private management company that manages the operation. And will be managed in accordance with national waste policy and best practice for the management and treatment of waste set out in the OWMP. All waste will be removed by licensed facility.</p> <p>It is not considered that any significant adverse impacts from waste on the environment during construction or operation will occur.</p>	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	<p>There is a potential during construction and operation for surface water runoff.</p> <p>The use of extensive SUDS (74%) and nature-based solutions in the design minimises and limits the extent of hard standing and paving, where appropriate, in order to reduce the potential impact of existing and predicted flooding risks as a result of climate change.</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?		During Construction there is a potential for nuisance such as increase in traffic, changes in air quality, noise and vibration. The main receptors are local residents and businesses.	No

		<p>The construction phase will be temporary, a Construction Stage Traffic Management Plan will be prepared.</p> <p>The potential for dust will be dependent on the type of construction activity being undertaken and the ambient conditions including rainfall, wind direction and speed and distance to receptors. Dust levels will be monitored and comply with recommended standards & planning condition.</p> <p>In terms of noise and vibration, the construction phase may lead to a temporary short-term increase in background noise levels through the operation of plant and machinery.</p> <p>The proposal includes for multi-modal infrastructure, and it is located in close proximity to public transport infrastructure. A Travel Plan has been prepared for the operation and refers to targets and objectives to shift away from car transport to smarter more efficient mobility sustainable transport during the operation of the proposed development.</p> <p>During operation, as a result of soil compaction and soil sealing there could be an increase in surface run-off, flooding and erosion. The mitigation measures include nature-based solutions and SUDS in accordance with DLRCC planning policy and allocates over 74% extensive SUDS to minimise the impacts of the proposed development on soil sealing and compaction. As a result, the operation phase has localised, minor adverse impacts on soil.</p> <p>There will be an Operational Waste Management Plan in place for municipal and commercial waste</p>	
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		which addresses the collection and disposal of waste generated during operation/occupancy of the proposed development.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?		<p>The proposed development will be developed in accordance with relevant health and safety regulations and guidelines.</p> <p>There is potential for pollution and nuisance during construction as outlined above, these will be temporary and subject to CEMP. A Construction Traffic Management Plan will also be in place to manage increased traffic.</p> <p>Water</p> <p>During Construction, there is potential for water runoff and groundwater flow. The site does not have any surface water courses or drainage ditches. Carrickmines Stream is located east and south of the site, and a small eroding watercourse is present to the northwest. Seepage water settles along the western boundary, but there is no direct surface water hydrological connection to the Carrickmines Stream. The only potential pathway for construction site runoff to reach the river is through existing drainage infrastructure in the road network adjacent to the site.</p> <p>Groundwater flows were identified as moving west to east towards the Carrickmines Stream, presenting another potential pathway for pollution transmission.</p> <p>The Water Framework Compliance Assessment concludes that impacts on groundwater from pouring concrete would be short-term and highly</p>	No

		<p>localised, with no measurable impact on general water quality during construction.</p> <p>A Construction Environmental Management Plan will be implemented, and it is considered sufficient to protect the local environment and prevent the transfer of pollution or sediment via these pathways. The risk of pollution to surface or groundwaters is considered low unless an accidental pollution event occurs.</p> <p>During operation, the basement of the development is expected to act as an impermeable barrier to groundwater flow. It is anticipated that groundwater flows will reach a state similar to the preconstruction regime once pumping ceases. There is no significant expected change in the volume of groundwater discharge to the east, where there is a watercourse with a significant catchment to the south and east of the site.</p> <p>In relation to groundwater dependent features to the west of the site, it is expected that groundwater levels in that direction would not decrease. They may even be marginally higher and persist for longer periods due to the presence of a no flow barrier along the north-south length of the basement.</p> <p>The proposal complies with the requirements of the Water Framework Directive (WFD). It will not cause deterioration in the Wicklow Groundwater Body and will not hinder efforts to maintain the current Good Status of the groundwater.</p> <p>Also, during operation, there will be an increase in hardstanding area which can lead to a net</p>	
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		<p>increase in surface water runoff. There will be extensive use of Sustainable Urban Drainage System (74%) will be implemented to minimise the impacts of runoff. It is not expected that significant adverse effects will arise from surface water runoff.</p> <p>Mitigation measures include standard construction best practice. It is not anticipated that there will be significant effects on water from the construction or operation.</p> <p>Air</p> <p>Construction may give rise to dust, the adverse effects are considered to be localised, slight and temporary in nature. Dust levels will be monitored and adhere to standard levels during construction.</p>	
1.9 Will there be any risk of major accidents that could affect human health or the environment?		<p>The proposal is not a project that will result in a risk of major accidents and/or disasters. The nearest SEVESO sites are located at Poolbeg in Dublin South Central c. 8km northeast of the proposed development.</p> <p>The construction phase is considered standard practice and therefore, the risk of accidents is considered low.</p>	No
1.10 Will the project affect the social environment (population, employment)		<p>The proposal will have a positive impact on the social environment, as population will increase, and employment opportunities will arise from the commercial element.</p>	No
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	No	<p>The area is predominately residential. The subject site and surrounding lands are zoned for open space, residential and mixed uses.</p>	No

		<p>During construction, there will be an increase in construction traffic to the subject site, these impacts can be effectively mitigated by providing sufficient advance notice to service providers. A Construction Traffic Management Plan will be prepared and agreed.</p> <p>The residual impacts are temporary, and no significant effects are anticipated. Due to the size and scale of the proposed development of the neighbourhood centre and residential development and the proximity to existing and sustainable transport nodes, it is considered that the proposed development will have a negligible cumulative impact with other plans and projects.</p> <p>It is not considered that the cumulative effects will impact the environment. During operation, in combination with other plans and projects, it is considered that the proposal will have a long-term positive impact by providing for neighbourhood centre and residential development in Lamb's Cross in line with DLRCC zoning objectives and housing policy objectives.</p>	
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ 		<p>The development is situated on zoned lands (A and NC) on an existing residential site. The site is located directly adjacent to Gorse Hill and c. 80m from Fitzsimons Woods pNHA (which form part of the DLRCC Ecological Network adjoining the Ticknock to the River Dodder wildlife corridor) and the following are in close proximity to the subject site:</p>	No

<p>protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<ul style="list-style-type: none"> • Wicklow Mountains SAC (site code: 002122) & SPA (site code: 004040) is located c.4.7km. • South Dublin Bay SPA (site code: 000210) is located 5.3km • Knocksink Wood SAC (site code: 000725) is located c. 6.2km. • Ballyman Glen SAC (site code: 000713) is located 7.6km • Glenasamole Valley SAC (site code: 001209) is located 8.8km • Rockabill to Dalkey Island SAC (site code: 003000) is located c. 9.3km. • North Dublin Bay SAC (site code: 000206) is located c. 10km. • Bray Head SAC (site code: 000714) is located c. 12km. • Howth Head SAC (site code: 000202) is located 14.5km • Wicklow Mountains SPA (site code: 004040) is located 5km. • Dalkey Islands SPA (site code: 004172) is located 9km. 	
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		<ul style="list-style-type: none"> • South Dublin Bay and River Tolka Estuary SPA (site code: 004024) are located c.5.3km • North Bull Island SPA (site code: 004006) is located 9.5km. • North West Irish Sea cSPA (site code: 004236) is located 17km northeast. 	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	Yes	<p>An Ecological Impact Assessment has been carried out. The assessment identifies the impacts that may arise and proposes mitigation measures to minimise these effects.</p> <p>A Hydrogeological Assessment has been carried out to evaluate the potential impact on local amphibian populations in Gorse Hill and Fitzsimons Wood during construction and operation. The construction of the basement may lead to local drawdown of water, which could affect the breeding amphibians such as smooth newts and common frog. Mitigation measures are proposed to prevent water drawdown within the ponds during the breeding and juvenile growth stages of these amphibians. The excavations of the basement should be outside the breeding season to minimise disruption to juvenile smooth newts. After construction, it is anticipated that there will be no impact on water levels of the ponds and, in fact, the ponds may retain water for longer periods.</p> <p>The development will increase the population in the area and bring potentially more walkers into Fitzsimons Wood and Gorse Hill area, no</p>	No

		<p>significant soil erosion is predicted as there are walking trails within Fitzsimons Wood. Studies have shown that wildlife including birds, can habituate to routine sounds associated with recreational activities on designated trails. Badgers are known to reside in the woodlands, dogs off-leash may disturb or threaten badgers in their underground setts.</p> <p>The spread of cherry laurel in the woodland habitat poses a potential threat, to address this, cherry laurel should be removed and cleared with ongoing monitoring of the site and adjacent site. Spot treatment with herbicide may be necessary to eradicate cherry laurel from the site.</p> <p>A daylight and shadow report were carried out and it is not predicted that there will be significant reduction in light and no significant growth on vegetation in areas of Gorse Hill adjacent to the development.</p> <p>A lighting plan will be developed to avoid any lighting impact on bat species or other nocturnal wildlife.</p>	
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	No	<p>A Townscape and Visual Impact Appraisal (TVIA) was submitted. There are no preserved views within or close to the site.</p> <p>There are no National Monuments or Protected Structures within the site. A number of Protected Structures and features of Archaeological significance are located in close proximity. These features are not affected by the proposed development.</p>	No

		<p>An Archaeological Impact Assessment was carried out, the report concluded nothing of archaeological significance was recorded in the subject area during the desk-based assessment and test excavations therefore it is unlikely the development would cause an archaeological impact.</p> <p>The site is not within an Architectural Conservation Area (ACA)</p>	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?		Fitzsimons Wood pNHA & Gorse Hill are adjacent to the site. However, due to the presence of existing residential developments, as well as the implementation of key measures outlined in the Landscape Strategy, there are considered no likely significant impacts within the meaning of the Directive.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?		<p>There are no wetland habitats, riparian areas or river mouths at the subject site.</p> <p>There are no coastal zones affected.</p> <p>The site is not located in a flood risk area.</p>	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	<p>The proposal will require excavation of soils, the excavation programme will be designed to take cognisance of the ground conditions. There will be some impact on soils arising from the site clearance and excavation during the construction phase, however, given the nature, duration and the construction methodologies, this is considered not significant. Material will be reused on site.</p> <p>The site will also require material to be imported, the exact quantities are unknown but are not considered to be significant.</p>	No

2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is located at a junction of 4 roads, public transport is located in close proximity.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No		No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Numerous residential in the area, the site is zoned as residential and mixed use, no predicted negative cumulative impact.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No		
3.3 Are there any other relevant considerations?			
C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="checked" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			

ElAR not Required.

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed neighbourhood centre development of residential and commercial units' development, in an established residential area served by public infrastructure
 - (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of the Ecological Impact Assessment and the Hydrogeological Assessment of the effects on the environment submitted by the applicant.
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the precautionary mitigation measures proposed to avoid significant impact on the species in the adjacent Gorse Hill and Fitzsimon's Wood pNHA.

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 2

Screening Determination

1.0 Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

1.2 Background on the Application

The applicant has submitted a screening report for Appropriate Assessment as part of the planning application carried out by Deborah D'Arcy, a qualified ecologist with an MSc in Ecological Assessment and MSc in Environmental Resource Management and BA (mod) in Natural Sciences.

The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.

The applicants AA Screening Report concluded that:

“there will be no negative effect on the Wicklow Mountains SAC or SPA due to its remote distance from the site and the negligible habitat removal as a result of this development which is not considered to contribute any measurable in combination impact with other larger scale landscape changes in land use on habitat resources for peregrine falcons or merlin within or outside the Wicklow Mountains SPA.

Given the low risk of any pollution impacts associated with the development, the remote hydrological distance to the European sites within Killiney Bay together with the treatment of wastewater at Ringsend Treatment Plant, the proposed development is not likely to have a significant negative direct, indirect or in combination effects on the conservation objectives of European sites within the zone of influence of the project and a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required”.

Having reviewed the documents, submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

1.3 Screening for Appropriate Assessment- Test of likely significant effects

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

1.4 Brief description of the development

The applicant provides a description of the project on page 12, section 3.2 of the AA screening report.

In summary, the development comprises:

- Demolition of an existing dwelling
- Construction of neighbourhood centre (Supermarket and associated off licence, a restaurant/bar, retail units, health centre, café and creche) and residential development (80no. apartments) in 3 no. blocks ranging from 3-6 storeys in height.
- All associated works including entrance, open space, basement level car parking, signage, connection to public water, sewerage and surface water drainage, landscaping, public lighting etc.

The development site is described in section 3.1 pages 11, 12 of the AA Screening report. The development site consists of an existing residential property known as Crohamhurst, outdoor sheds and garden and greenfield site on a site area of 0.77ha.

The site is approximately 80m from the boundary of Fitsimmons's Wood pNHA and 100m west and 130m north of Carrickmines Stream. Gorse Hill is adjacent to the subject site. Gorse Hill and Fitzsimons Wood pNHA form part of DLRCC Ecological

Network adjoining the Ticknock to the River Dodder wildlife corridor as mapped in the DLRCC Biodiversity Plan 2021-2025.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Pollution (hydrocarbons, cement residues and other chemicals) of groundwater as a result of construction activities on site. Groundwater vulnerability is extreme at the site.
- Pollution or sediments arising from the construction phase.
- Wastewater treatment at Ringsend Wastewater Treatment Plant (WwTP) which discharges to the Lower Liffey Estuary.
- Potential compromise of ecological linkages between the proposed development site, and/or Fitzsimons Wood and European sites.

No impacts on groundwater levels in European Sites designated for groundwater dependent habitats is anticipated. A Hydrological Risk Assessment (HRA) examined local groundwater impacts and concluded that any temporary drawdown of groundwater as a result of pumping during construction of the basement could be minimal.

Post-construction, the “tanked” basement will form an impermeable barrier to groundwater flow, it is expected that groundwater flows will equilibrate close to the pre-construction regime.

During operation phase, Sustainable Urban Drainage Systems (SuDS) will be designed for the proposed drainage system in accordance with the Greater Dublin Strategic Drainage Study and in accordance with DLRCC County Development Plan 2022-2028, Policy E16: Sustainable Drainage Systems. SuDs design is a requirement of all developments and has not been included in this project to specifically mitigate any potential impacts on European Sites.

1.5 Submissions and Observations

- Department of Housing, Local Government and Heritage:

- The AA Screening considers South Dublin Bay and Tolka Estuary SPA, the North Dublin Bay SAC, North Bul Island SPA as the proposed development wastewater will be discharged to the Ringsend Wastewater Treatment Plant.
- The Wicklow Mountains SAC is potentially within the zone of influence due to the possibility of an ecological linkage between the SAC and the Fitzsimons proposed Natural Heritage Area (pNHA) located just to the north east of the development site and the potential for indirect impacts to otter, which is a Qualifying Interest (QI) species for the SAC, occurring on the Carrickmines Stream.
- There is a (low) possibility for the proposed development site and adjacent land to provide ex-situ foraging habitat for Special Conservation Interest (SCI) bird species for the Wicklow Mountains SPA, the latter site is considered to be potentially within the development site's zone of influence.
- The stream to the south and eastern boundary of site (Carrickmines Stream) considers there is a potential remote hydrological link from the development site "to Rockabill to Dalkey Island Special Area of Conservation (SAC) and Dalkey Island Special Protection Area (SPA) which are located 1.5km and 3km from the Carrickmines River estuary respectively. No other European sites located along the east coast are considered to be within the potential zone of influence of hydrological impacts transmitted via the Carrickmines River due to their distance from the Shanganagh estuary.
- The stream running to the south and east of the development site is actually the Glasnalower or Brewery or Maretimo Stream, which having been culverted through the Sandyford Business Park flows down Brewery Road and through the Stillorgan and Carysfort areas to enter Dublin Bay at Maretimo in Blackrock. This water course therefore directly discharges into the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA, but because of its misidentification the AA Screening Report has failed to assess the potential effects of surface water runoff from the proposed development reaching these European Sites by the Glasnalower

might have on the Qis for which they are designated. As a result, a revised AA Screening is required as part of further information request from Planning Authority.

- Most significant impact will be the construction of the basements as proposed which may interfere with the hydrology of Gorse Hill, preventing the development of seasonal ponds there and thereby destroying the breeding sites of the smooth newt, a species protected under the Wildlife Acts, 1976 to 2022, which is known to spawn in these ponds.
- Further information requested for: amended AA Screening Report, evaluation of hydrogeological Assessment and conditioned that removal of vegetation only from 1st September to end of February.

1.6. European Sites

The development site is not located in or immediately adjacent to a European site. The closest European site Wicklow Mountains SAC is 4.7km south of the proposed development.

A summary of European Sites that occur within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Table 1. Summary Table of European Sites within a possible zone of influence of the proposed development

European Site (code)	List of Qualifying interest/Special Conservation Interest	Distance from proposed development (KM)	Connections (Source, pathway, receptor)	Considered further in screening. Y/N
Wicklow Mountains SAC (site code: 002122)	Oligotrophic waters containing very few minerals of sandy plains. Natural dystrophic lakes and ponds Northern Atlantic wet heaths with Erica tetralix	4.7 south	Potential for ecological linkage with Fitzsimons Wood and indirect impacts to otter	Yes

	<p>European dry heaths</p> <p>Alpine and Boreal heaths</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i></p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)</p> <p>Blanket bogs (* if active bog)</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>)</p> <p>Calcareous rocky slopes with chasmophytic vegetation</p> <p>Siliceous rocky slopes with chasmophytic vegetation</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p><i>Lutra lutra</i> (Otter)</p>			
South Dublin Bay SAC (site code: 000210)	Mudflats and sandflats not covered by seawater at low tide.	5.3 East	Potential hydrological connection via the Carrickmines Stream located 100m east of the proposal which drains to the Brewery Stream, and	Yes

	<p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand.</p> <p>Embryonic shifting dunes</p>		<p>discharges to Dublin Bay SAC approx. 6.5km downstream.</p> <p>There is potential for pollution and sedimentation from the construction phase to enter the surface water drainage network which discharges into the SAC. Although remote, a source-pathway-receptor has been identified.</p> <p>WWTP located at Ringsend reportedly does not impact on this SAC (Uisce Eireann 2018)</p>	
<p>South Dublin Bay and River Tolka Estuary SPA (site code: 004024)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>Knot (<i>Calidris canutus</i>)</p> <p>Sanderling (<i>Calidris alba</i>)</p> <p>Dunlin (<i>Calidris alpina</i>)</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>Redshank (<i>Tringa totanus</i>)</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p> <p>Roseate Tern (<i>Sterna dougallii</i>)</p>	5.3 east	<p>Potential hydrological connection via the Carrickmines Stream located 100m east of the proposal which drains to the Brewery Stream and discharges to South Dublin Bay and River Tolka Estuary SPA approx. 6.5km downstream.</p> <p>There is potential for pollution and sedimentation from the construction phase to enter the surface water drainage network which discharges into this SPA. A source-pathway-receptor has been identified.</p> <p>WWTP located at Ringsend discharges close to the SPA.</p>	Yes

	<p>Common Tern (<i>Sterna hirundo</i>)</p> <p>Arctic Tern (<i>Sterna paradisaea</i>)</p> <p>Wetland and Waterbirds</p>			
Knocksink Wood SAC (site code: 000725)	<p>Petrifying springs with tufa formation (Cratoneurion)</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p>	6.2km southeast	No surface water hydrological connectivity. Located in a different WFD river basin (Glencullen), located in the same groundwater body (Wicklow) but due to the distance to the SAC of over 6km no risk of significant effects via groundwater pathways from the proposed development.	No
Ballyman Glen SAC (site code: 000713)	<p>Petrifying springs with tufa formation (Cratoneurion)</p> <p>Alkaline fens</p>	7.6km southeast	No hydrological or other ecological connectivity. Located in a different WFD river basin (Dargle) and groundwater delineation (Enniskerry gravels). No impact pathways identified.	No
Glenasamole Valley SAC (site code: 001209)	<p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites)</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>)</p> <p>Petrifying springs with tufa</p>	8.8km southeast	No hydrological or other ecological connectivity. Located in a different WFD river basin (Dodder) and groundwater delineation (Kilcullen). No impacts pathways identified.	No

	formation (Cratoneurion)			
Rockabill to Dalkey Island SAC (Site code: 003000)	Reefs Phocoena phocoena (Harbour Porpoise)	9.3km east	No direct hydrological linkage. Carrickmines Stream is 100m distance to the east. Possible remote hydrological connectivity to Dublin Bay or Killiney Bay identified via existing surface water drainage infrastructure discharging to the Dublin Bay catchment and/or the Ovoca-Vartry catchment.	Yes
North Dublin Bay SAC (Site code: 000206)	<p>Mudflats and sandflats not covered by seawater at low tide.</p> <p>Annual vegetation of drift lines [Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae)</p> <p>Mediterranean salt meadows (Juncetalia maritimi)</p> <p>Embryonic shifting dunes</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes)</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes)</p>	10km northeast	Ringsend WWTP discharges close to this SAC	Yes

	Humid dune slacks Petalophyllum ralfsii (Petalwort)			
Bray Head SAC (Site code: 000714)	Vegetated sea cliffs of the Atlantic and Baltic coasts European dry heaths	12km southeast	Qualifying interests are terrestrial habitats. No possibility for effect, due to distance and absence of a hydrological or any other linkage between the proposed development and this European Site.	No
Howth Head SAC (Site code: 000202)	Vegetated sea cliffs of the Atlantic and Baltic coasts European dry heaths	14.5km northeast	Qualifying interests are terrestrial habitats. No possibility for effect, due to distance and absence of a hydrological or any other linkage between the proposed development and this European Site.	No
Wicklow Mountains SPA (Site code: 004040)	Merlin (Falco columbarius) Peregrine (Falco peregrinus)	5km south	Potential for ecological linkage with proposed development site needs to be examined	Yes
Dalkey Islands SPA (site code: 004172)	Roseate Tern (Sterna dougallii) Common Tern (Sterna hirundo) Arctic Tern (Sterna paradisaea)	9km east	No direct hydrological linkage. Carrickmines Stream is 100m distance to the east. Remote hydrological connectivity identified only via existing surface water drainage infrastructure a portion of which may drain to Killiney Bay via the Ovoca-Verty Catchment. Remote hydrological linkage to coastal waters used as foraging area by SCI species.	Yes
North Bull Island SPA (site code: 004006)	Light-bellied Brent Goose (Branta bernicla hrota) Shelduck (Tadorna tadorna) Teal (Anas crecca)	9.5km northeast	WWTP located at Ringsend discharges close to this SPA.	Yes

	Pintail (<i>Anas acuta</i>) Shoveler (<i>Anas clypeata</i>) Oystercatcher (<i>Haematopus ostralegus</i>) Golden Plover (<i>Pluvialis apricaria</i>) Grey Plover (<i>Pluvialis squatarola</i>) Knot (<i>Calidris canutus</i>) Sanderling (<i>Calidris alba</i>) Dunlin (<i>Calidris alpina</i>) Black-tailed Godwit (<i>Limosa limosa</i>) Bar-tailed Godwit (<i>Limosa lapponica</i>) Curlew (<i>Numenius arquata</i>) Redshank (<i>Tringa totanus</i>) Turnstone (<i>Arenaria interpres</i>) Black-headed Gull (<i>Chroicocephalus ridibundus</i>) Wetland and Waterbirds			
North-West Irish Sea candidate marine SPA	Red-throated Diver (<i>Gavia stellata</i>)	10.6km northeast	WWTP located at Ringsend discharges close to this SPA.	Yes

(site code: 004236)	Great Northern Diver (<i>Gavia immer</i>) Fulmar (<i>Fulmarus glacialis</i>) Manx Shearwater (<i>Puffinus puffinus</i>) Cormorant (<i>Phalacrocorax carbo</i>) Shag (<i>Phalacrocorax aristotelis</i>) Common Scoter (<i>Melanitta nigra</i>) Little Gull (<i>Larus minutus</i>) Black-headed Gull (<i>Chroicocephalus ridibundus</i>) Common Gull (<i>Larus canus</i>) Lesser Black-backed Gull (<i>Larus fuscus</i>) Herring Gull (<i>Larus argentatus</i>) Great Black-backed Gull (<i>Larus marinus</i>) Kittiwake (<i>Rissa tridactyla</i>) Roseate Tern (<i>Sterna dougallii</i>) Common Tern (<i>Sterna hirundo</i>) Arctic Tern (<i>Sterna paradisaea</i>)			
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	Little Tern (<i>Sterna albifrons</i>)			
	Guillemot (<i>Uria aalge</i>)			
	Razorbill (<i>Alca torda</i>)			
	Puffin (<i>Fratercula arctica</i>)			

1.7 Identification of likely effects

There are no direct significant threats to the European Sites. There is a potential indirect risk of:

- Pollution (hydrocarbons, cement residues and other chemicals) of groundwater as a result of construction activities on site. Groundwater vulnerability is extreme at the site.
- Pollution or sediments arising from the construction phase.
- Wastewater treatment at Ringsend Wastewater Treatment Plant (WwTP) which discharges to the Lower Liffey Estuary.
- Potential compromise of ecological linkages between the proposed development site, and/or Fitzsimons Wood and European sites.

There are no other developments in the area, the potential for in combination with other developments within the same surface water or groundwater catchment is considered unlikely in light of the SuDs mitigation measures.

A summary of the outcomes of the screening process is provided in the screening matrix.

Screening Matrix				
European Site (Link to conservation objectives www.npws.ie)	Distance to proposed development/source , pathway receptor	Possible effect alone	In combination effects	Screening conclusions:
Wicklow Mountains SAC https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002122.pdf	The site is located 4.7km South	No potential for significant effects on habitats due to its distance from development site and no hydrological links. Fitzsimons Wood pNHA is unlikely to be steppingstone habitat for Old Oak Woodlands within the Wicklow Mountains SAC. In any case no significant effect on Fitzsimons Wood is anticipated from the proposed development. Therefore, no negative effect on Wicklow Mountains SAC. Otter occurs on the Carrickmines Stream. Possible linkage between local otter population and the SAC population identified due to wide ranging nature of otter. No significant risk of pollution of Carrickmines Stream. Any accidental pollution event would be localized and of short duration and unlikely to give rise to a significant negative effect on otter.	No in combination effects on water quality of Carrickmines Stream due to development management strategies and policies of DLRCC.	Screened out for need for AA
South Dublin Bay SAC ConservationObjectives.rdl	The site is located 5.3km east	No significant risk of pollution of the Carrickmines Stream or	No likely in combination	Screened out for need for AA

		<p>the Brewery Stream or small watercourse in Fitzsimons Wood from construction works. In the unlikely event of a pollution event no significant effect due to downstream hydrological distance to the Natura 2000 site and large dilution and dispersal effect of coastal waters.</p> <p>No operational negative effect on this SAC due to appropriate surface and wastewater drainage design.</p>	<p>effects on water quality. Coastal water quality is good and WFD status is not at risk.</p>	
<p>Rockabill to Dalkey Island SAC ConservationObjectives.rdl</p>	<p>The site is located 9.3km east</p>	<p>No significant risk of pollution of Carrickmines Stream or small watercourse in Fitzsimons wood from construction works. In the unlikely event of a pollution event no significant effect due to downstream hydrological distance to the Natura site and large dilution and dispersal effect of coastal waters.</p> <p>No operational negative effect on this SAC due to appropriate surface and wastewater drainage design.</p>	<p>No likely in combination effects on water quality. Coastal water quality is good and WFD status is not at risk.</p>	<p>Screened out for need for AA</p>
<p>North Dublin Bay SAC ConservationObjectives.rdl</p>	<p>The site is located 10km east</p>	<p>Within the zone of influence of Ringsend WWTP. No operational negative effect on this SAC due to appropriate</p>	<p>No cumulative negative effects identified associated with</p>	<p>Screened out for need for AA</p>

		surface and wastewater drainage design.	Ringsend WWTP due to Ringsend WWTP upgrade works.	
Wicklow Mountains SPA CO004040.pdf	The site is 5km south	No potential for direct impact to birds located within the SPA due to remote distance. Possible minor loss of foraging area and/or temporary displacement of SCI species foraging on adjacent scrub lands. Loss of foraging area associated with this proposed development is considered negligible due to the distance from the SPA and the small area of scrub compared to the extensive lands suitable for foraging within and outside the SPA.	No significant negative impact.	Screened out for need for AA
South Dublin Bay and River Tolka Estuary SPA ConservationObjectives.rdl	The site is 5.3km east	No significant risk of pollution of the Carrickmines River or the Brewery Stream or small watercourse in Fitzsimons wood from construction works. In the unlikely event of a pollution event no significant effect due to downstream hydrological distance to the Natura site and large dilution and dispersal effect of coastal waters. Within the zone of influence of Ringsend WWTP. No	No in combination negative impacts	Screened out for need for AA

		operational negative effect on this SPA due to appropriate surface and wastewater drainage design. No cumulative negative effects identified associated with Ringsend WWTP due to Ringsend WWTP upgrade works. The development site or adjacent land composed of scrub and overgrown grassland habitats does not provide suitable ex situ foraging, habitat for the SCI species for this SPA.		
North Bull Island SPA ConservationObjectives.rdl	The site is located 9.5km east	Within the zone of influence of Ringsend WWTP. No operational negative effect on this SPA due to appropriate surface and wastewater drainage design. The development site or adjacent land composed of scrub and overgrown grassland habitats does not provide suitable ex situ foraging, habitat for the SCI species for this SPA.	No cumulative negative effects identified associated with Ringsend WWTP due to Ringsend WWTP upgrade works.	Screened out for need for AA
Dalkey Islands SPA CO004172.pdf	The site is located 9km east	No significant risk of pollution of Carrickmines Stream or small watercourse in Fitzsimons wood from construction works. In the unlikely event of an accidental pollution event no	No likely in combination effect on water quality. Coastal water quality is good and WFD	Screened out for need for AA

		<p>significant effect due to downstream hydrological distance to the European site and large dilution effect of coastal waters.</p> <p>No operational negative effect on this SAC due to appropriate surface and wastewater drainage design.</p> <p>The development site or adjacent land composed of scrub and overgrown grassland habitats does not provide suitable ex situ foraging, habitat for the SCI species for this SPA.</p>	status is not at risk.	
<p>North-West Irish Sea marine SPA</p> <p>CO004236.pdf</p>	<p>The site is located 10.6km northeast</p>	<p>Potentially within the zone of influence of Ringsend WWTP. No operational negative effect on this SPA due to appropriate surface and wastewater drainage design.</p> <p>The proposed development site or adjacent land composed of scrub and overgrown grassland habitats does not provide suitable ex situ foraging, habitat for the SCI species for this SPA.</p>	<p>No cumulative negative effects identified associated with Ringsend WWTP due to Ringsend WWTP upgrade works.</p>	<p>Screened out for need for AA</p>

1.8 Mitigation Measures.

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

1.9 Screening Determination

Finding of no likely significant effect.

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European site Wicklow Mountains SAC (site code: 002122) or SPA (site code: 004040), South Dublin Bay SAC (site code: 0000210), North Dublin Bay (site code: 000206) or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment is not therefore required.

This determination is based on the following:

- No negative effect on the Wicklow Mountains SAC or SPA due to the remote distance from the site.
- The negligible habitat removal and it is not considered to contribute any measurable in combination impact with other larger scale landscape changes in land use on habitat resources for peregrine falcons or merlin within or outside the Wicklow Mountains SPA.
- Low risk of pollution given the remote hydrological distance to the European sites within Dublin Bay and Killiney Bay and the treatment of wastewater at Ringsend Treatment Plant, the proposed development is not likely to have a significant negative direct, indirect or in combination effects on the conservation objectives of European Sites within the zone of influence.

Inspector:

Date:

